



भारत का राजपत्र

The Gazette of India

सं. 26]
NO. 26]

नई दिल्ली, शनिवार, जून 30, 1990/आषाढ़ 9, 1912
NEW DELHI, SATURDAY, JUNE 30, 1990/ASADHA 9, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India other than
the Ministry of Defence)

कार्मिक, लोक शिक्षा और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 5 जून, 1990

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 5th June, 1990

आ.आ. 1746:—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा, पंजाब राज्य की सहमति, से [गृह एवं न्याय विभाग (ह III शाखा) पत्र सं. 171-1 एच III-90/972, दि. 5 मई, 1990] दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का निम्नलिखित अपराधों के अन्वेषण के लिये सम्पूर्ण पंजाब राज्य पर विस्तार करती है :-

(क) तत्कालीन संसद सदस्य (फरीदकोट निर्वाचन क्षेत्र) श्री जगदेव सिंह खुदियान के गायब होने के संबंध में पुलिस स्टेशन लाम्बो, जिला फरीदकोट पंजाब में दिनांक 28-12-89 की प्रथम सूचना रिपोर्ट सं. 237 के संबंध में भारतीय दंड संहिता की धारा 364 के अन्वेषित दण्डनीय अपराध।

(ख) ऊपर वर्णित एक या अधिक अपराधों के संबंध में या उनसे सम्बन्ध प्रदर्शित, बुझी जाँ और पड़वली के और उन्हीं तथ्यों से उत्पन्न होने वाले केन्द्रबहुर के अनुष्ठान में किता गया था या किए गए कोई अन्य अपराध।

[पत्र सं. 228/10/90-ग. के डी.-II]

S.O. 1746.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Punjab (vide Deptt. of Home Affairs & Justice (Home III Branch letter No. 171-1HIII-90/972 dt 5th May, 1990) hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Punjab for investigation of offences as hereunder:—

(a) Offences punishable under Section 364 Indian Penal Code (45 of 1860) in regard to case FIR No. 237 dt. 28-12-89 of Police Station Lambl, Distt. Faridkot, Punjab in regard to disappearance of Shri Jagdev Singh Khudian, the then Member of Parliament from Faridkot Constituency.

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/10/90-AVD.II]

(2993)

आदेश

New

June, 1990

नई दिल्ली, 11 जून, 1990

का.प्र. 1747—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पुलिस थाना नगीन, जिला श्रीनगर में 21-5-90 की प्रथम सूचना रिपोर्ट सं. 61/1990 के संदर्भित रजिस्टर किए गए, जिला श्रीनगर में मौलवी फारूख की हत्या के आरोपित आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का 28) की धारा 3 और 4 रनबीर पंथसंहिता के धारा 302, 307, भारतीय शस्त्र अधिनियम, 1959 (1959 का 54) की धारा 25 के अधीन दंडनीय अपराधों और उक्त अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किन्हीं अन्य अपराधों, के संबंध में या उनसे संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों के अन्वेषण के लिए, जम्मू-कश्मीर सरकार की सहमति, से, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तारण सम्पूर्ण जम्मू-कश्मीर राज्य पर करती है।

[संख्या 228/3/90 ग.वी.डी. II]

ORDER

New Delhi, the 11th June, 1990

S.O. 1747.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Jammu & Kashmir, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu and Kashmir for investigation of offences as hereunder:—

- (a) Offences punishable under section 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 28 of 1987), section 25 of Indian Army Act, 1959 (Act No. 54 of 1959), section 307/302 of Ranbir Penal Code, with regard to the terrorist and disruptive activities committed in connection with FIR No. 61 of 1990 dated 21-5-90 of Police Station Nageen, District Srinagar, relating to the murder of Maulvi Farooq son of Maulvi Amin Shah.
- (b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/3/90/AVD.II]

नई दिल्ली 12 जून 1990

का.प्र. 1748.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अपराधों को ऐसे अपराधों के रूप में विनिर्दिष्ट करती है, जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापन द्वारा किया जाना है अर्थात् :-

- (क) (i) भारतीय दंड संहिता (1860 का 45) की धारा 366 का के अधीन दंडनीय अपराध।
- (ii) किशोर न्याय अधिनियम, 1986 (1986 का अधिनियम सं. 53) की 41 के अधीन दंडनीय अपराध।
- (ख) ऊपर वर्णित एक या अधिक अपराधों के संबंध में या उनसे संसक्त प्रयत्न, दुष्प्रेरण और षड्यंत्र तथा वैसे ही संव्यवहार के अनुक्रम में किया गया या किए गए कोई अन्य अपराध।

[सं. 228/14/90-ग.वी.डी. II]

जो. सीनारामन, अवर सचिव

S.O. 1748.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Police Establishment, namely:—

- (a) (i) Offences punishable under section 366A Indian Penal Code (Act 45 of 1860);
- (ii) Offences punishable under section 41 of the Juvenile Justice Act, 1986 (Act No. 53 of 1986).
- (b) Attempts, abetments and conspiracies in relation to or in connection with or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction.

[No. 228/14/90-AVD.II]

G. SITARAMAN, Under Secy.

युक्तिपत्र

नई दिल्ली, 6 जून, 1990

का.प्र. 1749.—भारत के राजपत्र, भाग 2 खंड 3, उपखंड (ii), तारीख 6 अगस्त, 1988 में पृष्ठ 2994 पर का.प्र. 2388 के रूप में प्रकाशित भारत सरकार के कार्मिक, लोक शिवालय और पेंशन मंत्रालय (पेंशन और पेंशन भोगी कल्याण विभाग) की अधिपूचना संख्या 2/18/87 पी. एण्ड पी. डब्ल्यू (पी.आई.सी.) तारीख 20 अगस्त, 1988 में उपनियम (6) के खंड (ग) के पश्चात निम्नलिखित पढ़ें:—

“(ग) उपनियम (8) के खंड (iii) में 21 वर्ष “अंक और शब्द के स्थान पर “25 वर्ष अंक और शब्द रखे जाएंगे।”

[संख्या 1/88/89-पी.एण्ड पी.डब्ल्यू. (सी)]

एन. एस. शंकरन, उप-सचिव

ADDENDUM

New Delhi, the 6th June, 1990

S.O. 1749.—In the Notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Pension and Pensioners' Welfare) No. 2/18/87-P&PW(PIC) dated the 20th July, 1988, published as S.O. 2388 in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 6th August 1988 at page 2997, after clause (c) of sub-rule (6), read.

“(cc) in sub-rule 8, in clause (iii), for the words “twenty one years” the words “Twenty five years” shall be substituted”.

[No. 1/88/89-P&PW(C)]

N. S. SANKARAN, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 1 जून, 1990

स्टाम्प

का.प्र. 1750.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्वारा मै. कनसोपिडेटिड फाउंडेशन (इंडिया) लिमिटेड को दो लाख सत्तर हजार पांच सौ पच्चीस रु.

मात्र से उम समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त कंपनी द्वारा जारी किए जाने वाले तीन करोड़ साठ लाख उनहत्तर हजार चार सौ अस्सी रु. मात्र के कुल अंकित मूल्य के "14 प्रतिशत सुरक्षित पूर्णतः संपरिवर्तनीय ऋणपत्रों" पर स्टाम्प शुल्क के कारण प्रसार्य हैं।

[स. 17/90 स्टाम्प/फा.सं. 33/46/90(ब.क.)]

ठाकुर दत्त, उप-सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 1st June, 1990

STAMPS

S.O. 1750.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Consolidated Foundations (India) Limited, to pay consolidated stamp duty of rupees two lakhs, seventy thousand, five hundred and twenty-five only, chargeable on account of the stamp duty on "14% secured fully convertible debentures" of the aggregate face value of rupees three crores, sixty lakhs, sixty nine thousand, four hundred and eighty only to be issued by the said company.

[No. 17/90-Stamps/F. No. 33/46/90-ST]

THAKUR DATT, Dy. Secy.

(आर्थिक कार्य विभाग)

(बीमा प्रभाग)

नई दिल्ली, 12 जून, 1990

का.प्र. 1751—केन्द्रीय सरकार, भारतीय जीवन बीमा अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय यूनिट ट्रस्ट के अध्यक्ष डा.एफ.ए. बूथ को तत्काल से और अगले आदेश जारी होने तक, श्री एम.जे. सरवानी के स्थान पर भारतीय जीवन बीमा निगम के बर्ड के सदस्य के रूप में नियुक्त करती है।

[एफ सं. 110/3/बीमा-IV/90]

जी. सी. बासुमतारी, उप-सचिव

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 12th June, 1990

S.O. 1751.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Dr. S. A. Dave, Chairman, Unit Trust of India as Member of the Board of the Life Insurance Corporation of India vice Shri M. J. Pherwani with immediate effect and until further orders.

[F. No. 110/2/Ins. IV/90]

G. C. BASUMATARI, Dy. Secy.

(बैंकिंग प्रभाग)

नई दिल्ली, 12 जून, 1990

का.प्र. 1752—सरकारी स्थान (अप्राधिकृत अधिभोगियों की वेबसाई) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए और भारत सरकार वित्त मंत्रालय, राजस्व तथा बैंकिंग विभाग (बैंकिंग विंग) में 30-4-1977 को भारत के राजपत्र के भाग II खण्ड 3 के उपखंड (ii) में प्रकाशित दिनांक 12-4-1977 की अधिसूचना संख्या का.प्र. 1236 का अधिवेशन करते हुए, ऐसे अधिवेशन से पहले किए गए कार्यों और दरों के लिए छोड़े गए कार्यों को छोड़कर, केन्द्रीय सरकार एतद्वारा निम्नलिखित मारणी के कालम (2) में उल्लिखित उन अधिकारियों को नियुक्त करती है, जो सरकार के राजपत्रित अधिकारियों के स्तर के समकक्ष अधिकारी होंगे, और उक्त अधिनियम, के प्रयोजन के लिए सम्पदा अधिकारी (एस्टेट आफिसर) होंगे, जो उस अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे तथा इसके अधीन उक्त मारणी के कालम (3) में उल्लिखित सरकारी स्थानों के संबंध में अपने अधिकार क्षेत्र की स्थानीय सीमाओं के अंतर्गत सम्पदा अधिकारियों को सींगे गए कर्तव्यों को पूरा करेंगे।

मारणी

क्रम सं. अधिकारी का पद	सरकारी स्थानों की श्रेणियाँ और अधिकारी क्षेत्र की सीमा
1. उप महाप्रबंधक, सेंट्रल बैंक आफ इंडिया, ग्रहमवाबाद	सेंट्रल बैंक आफ इंडिया की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में गुजरात राज्य तथा वमन और द्वीप संघ राज्य में अवस्थित स्थान।
2. उप महाप्रबंधक सेंट्रल बैंक आफ इंडिया भोपाल	सेंट्रल बैंक आफ इंडिया की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में मध्य प्रदेश तथा उत्तर प्रदेश राज्यों में अवस्थित स्थान।
3. उप महाप्रबंधक सेंट्रल बैंक आफ इंडिया कलकत्ता	सेंट्रल बैंक आफ इंडिया की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में पश्चिम बंगाल, उड़ीसा, असम, मेघालय, अरुणाचल प्रदेश, मणिपुर तथा नागालैण्ड राज्यों में अवस्थित स्थान।
4. उप महाप्रबंधक सेंट्रल बैंक आफ इंडिया नई दिल्ली	सेंट्रल बैंक आफ इंडिया की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में पंजाब, हरियाणा, हिमाचल प्रदेश, तथा जम्मू और कश्मीर राज्यों में अवस्थित स्थान।
5. उप महाप्रबंधक सेंट्रल बैंक आफ इंडिया पटना	सेंट्रल बैंक आफ इंडिया की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में बिहार राज्य में अवस्थित स्थान।
6. उप महाप्रबंधक सेंट्रल बैंक आफ इंडिया बम्बई महानगर आंचलिक कार्यालय बम्बई	सेंट्रल बैंक आफ इंडिया की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में महाराष्ट्र (बम्बई तथा थाने जिलों को छोड़कर) आंध्र प्रदेश, कर्नाटक, तमिलनाडु, केरल तथा पांडिचेरी संघ राज्य में अवस्थित स्थान।
7. उप महाप्रबंधक सेंट्रल बैंक आफ इंडिया केन्द्रीय कार्यालय, बम्बई	सेंट्रल बैंक आफ इंडिया की अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए तथा उसके प्रशासनिक नियंत्रण में महाराष्ट्र के बम्बई तथा थाने जिलों में अवस्थित स्थान।

[एफ सं. 13/1/90-बी.आ. III]

प्राण नाथ, अवर सचिव

(Banking Division)

New Delhi, the 12th June, 1990

S.O. 1752.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the Notification of the Government of India in the Ministry of Finance, Department of Revenue and Banking (Banking Wing), No. S.O. 1236 dated 12-4-1977 published in the Gazette of India, Part II section 3 sub-section (ii), dated 30-4-1977, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of a gazetted officer of the Government, to be an estate officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act, within the local limits of their respective jurisdictions, in respect of the public premises specified in the corresponding entry in column (3) of the said Table :—

TABLE

Sl. Designation of the officer No.	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. The Deputy General Manager, Central Bank of India, Ahmedabad.	Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the State of Gujarat and Union Territory of Daman and Diu.
2. The Deputy General Manager, Central Bank of India, Bhopal.	Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the State of Madhya Pradesh and Uttar Pradesh.
3. The Deputy General Manager, Central Bank of India, Calcutta	Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the States of West Bengal, Orissa, Assam, Meghalaya, Arunachal Pradesh, Manipur and Nagaland.
4. The Deputy General Manager, Central Bank of India, New Delhi	Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in States of Punjab, Haryana, Himachal Pradesh and Jammu and Kashmir.
5. The Deputy General Manager, Central Bank of India, Patna.	Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the State of Bihar.
6. The Deputy General Manager, Central Bank of India, Bombay Metropolitan Zonal Office, Bombay	Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in the States of Maharashtra (except Bombay and Thane

(1)	(2)	(3)
7. The Deputy General Manager, Central Bank of India, Central Office, Bombay.		Districts), Andhra Pradesh, Karnataka, Tamil- nadu, Kerala and Union Territory of Pondicherry. Premises belonging to, or taken on lease by, or on behalf of, and under the administrative control of the Central Bank of India and situated in Bombay and Thane Districts of Maharashtra.

[F. No. 13/1/90-B.O.III]

PRAN NATH, Under Secy.

नई दिल्ली, 14 जून, 1990

का. आ. 1753:—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (उ) के उपखण्ड (ii) के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री एम.एन. गोइपोरिया, अध्यक्ष, भारतीय स्टेट बैंक, बम्बई को भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में निदेशक के रूप में मनोनीत करती है।

[संख्या एफ. 7/3/90-बी.ओ.-1]

एम.एस. सीतारामन, अधर सचिव

New Delhi, the 14th June, 1990

S.O. 1753.—In pursuance of sub-clause (ii) of clause (e) of sub-section (1) of section 6 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri M. N. Goiporia, Chairman, State Bank of India, Bombay as a Director of the Board of Directors of the Export-Import Bank of India.

[No. F. 7/3/90-BO.1]

M. S. SEETHARAMAN, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 14 मई, 1990

का. आ. 1754:—केन्द्रीय सरकार, सरकारों के स्थान (अप्राधिकृत अधिभोगियों की वेश्मली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय के वाणिज्य विभाग की अधिसूचना सं. का. आ. 2744, तारीख 9 जून, 1983 का निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में संज्ञक अनुसूची में, स्तम्भ (1) में, "प्रबन्धक (प्रशासन)" शब्द और कोष्ठकों के स्थान पर "होम सचिव" शब्द रखे जाएंगे।

[सं. 19(6)/82-डी एफ]

एम.सी. जयरामन, संयुक्त सचिव

MINISTRY OF COMMERCE

New Delhi, the 14th May, 1990

S.O. 1754.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorized

Occupants) Act, 1971 (4) of 1971) the Central Government hereby makes the following amendment in the Notification of the Government of India, Ministry of Commerce, Department of Commerce, No. S.O. 2744 dated 9th June, 1983, namely:—

In the table appended to the said notification, in Column 1, for the words and brackets "Manager (Administration)", the words "Company Secretary" shall be substituted.

[No. 19(6)/82-TF]

M. C. JAYARAMAN, Jt. Secy.

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 13 जून, 1990

का. आ. 1755:—मै. जॉर्ज एण्ड द्रॉ लि., बंगलूरु ज्वेलर्स, बेल्लरी रोड, ब्यातारावणपुर बंगलूरु, को जी.सी.ए. के प्रस्तावित अर्धवृत्त मशीनरी जिसमें तीन वाइव मा. धनिता है, के विनिर्माण हेतु कम्पोज़िशन का आयात करने के लिए रु. 1,09,63,000—(एक करोड़ नौ लाख और त्रैसठ हजार रुपये मात्र) 11-1-1990 का एक आयात लाइसेंस सं. पी.डी./2279087 स्वीकृत किया गया था।

2. फर्म ने ऊपर उल्लिखित लाइसेंस की सीमाशुल्क प्रयोजन प्रति को दूसरा प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस का मूल सीमाशुल्क प्रयोजन प्रति खो गई है या गम हो गई है। आगे यह भी कहा गया है कि लाइसेंस को सीमाशुल्क प्रयोजन प्रति को मद्रास सीमाशुल्क प्राधिकारी के यहाँ पंजीकृत कराया हुआ था और इस प्रकार सीमाशुल्क प्रयोजन प्रति के मरु का आंशिक उपयोग किया गया है।

3. अपने इस दावे के प्रत्युत्तर में लाइसेंसधारक ने नोटरी पब्लिक, बंगलूरु के समक्ष विधिवत शपथ लेने हुए स्टाम्प पेपर पर हस्ताक्षर प्रस्तुत किया है। तदनुसार, मैं समुपलब्ध हूँ कि 11-1-1990 के आयात लाइसेंस सं. पी.डी./2279087 का सीमाशुल्क प्रयोजन प्रति कर्ष से खो गई है या गम हो गई है। 7-12-1955 के आयात-निर्यात नियंत्रण) आदेश, 1955 की उपधारा 9(ग) के प्रस्तावित पदम शक्तियों का प्रयोग करते हुए मै. जॉर्ज एण्ड द्रॉ लि., बंगलूरु को जारी 11-1-1990 के आयात लाइसेंस सं. पी.डी./2279087 के मूल सीमाशुल्क प्रयोजन प्रति को एतद्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की दूसरी प्रति पार्टी को अलग से जारी की जा रहा है।

[सं० सखी/एन.एस.-14/1780/पी.जी.डी.ई.ई./ए.एस.-90 एम.एस.एस./240]

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS & EXPORT

ORDER

New Delhi, the 13th June, 1990

S.O. 1755.—In Larsen and Toubro Ltd., Bangalore Works, Bellary Road, Byatarayanapur, Bangalore were granted an import licence No. P/D/2279087 dated 11-1-90 for Rs. 1,09,63,000 (Rupees one crore nine lakhs and sixty three thousand only) for import of Components for manufacture of earthmoving machinery including wheel loaders under G.C.A.

2. The firm has applied for issue of Duplicate copy of Customs Purpose Copy of the above mentioned licence on the ground that the original Customs Purposes Copy of the licence has been lost or misplaced. It has further been stated that the Customs Purposes copy of the licence was registered with Madras Customs Authority and as such the value of Customs Purpose copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Bangalore. I am accordingly satisfied that the original Customs Purposes copy of import licence No. P/D/2279087 dated 11-1-90 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy No. P/D/2279087 dated 11-1-90 issued to M/s. Larsen and Toubro Ltd., Bangalore is hereby cancelled.

4. A duplicate Customs Purposes copy of the said licence is being issued to the party separately.

[No. Suppl/NS. 14/1780/DGTD/AM. 90/SLS/240]

आदेश

का.आ. 1756.—मैसर्स चाटेलैक व्हीकल्स इंडिया लिमिटेड नेराल काजरात जिला सयगड महाराष्ट्र को सभासद मुद्रा क्षेत्र में परम्परागत गारंटी स्केम से आयात करने के लिए 59,600—रु. (उत्पन्न हुआर ७० सी रुपये मात्र) के लिए एक आयात लाइसेंस सं. बी.डी. 2277318 दिनांक 3-8-89 दिया गया था।

2. फर्म ने उपर्युक्त आयात लाइसेंस की अनुमिति प्रतियों (दोनों प्रतियों) के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस खो गया या गुम हो गया है। आरोप यह भी कहा गया है कि मूल लाइसेंस किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं करवाया गया था और सीमाशुल्क निहासी प्रति के दूखे या बिल्कुल भी उपयोग नहीं किया गया है।

3. अपने तर्क के समर्थन में लाइसेंस धारक ने नोटरी पब्लिक, महाराष्ट्र के सामने विधिवत शपथ लेकर स्टाम्पपत्र पर एक गणपत्य दाखिल किया है तदनुसार मैं संतुष्ट हूँ कि मूल आयात लाइसेंस सं. पो. एस्. 2277318 दिनांक 3-8-89 फर्म से खो गया या गुम हो गया है। यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-55 की उप-धारा 9(ग) के अंतर्गत प्रचलन प्राधिकारी का प्रयोग करते हुए मैसर्स चाटेलैक व्हीकल्स इंडिया लिमिटेड महाराष्ट्र को जारी किए गए एक मूल लाइसेंस या बी/ 2277318 दिनांक 3-8-89 का एवद्वारा रद्द किया है।

4. पार्टी को अनुपूरक आयात लाइसेंस की अनुमिति प्रति दायर से जारी की जा रही है।

[सं. सप्ल.एन.एस/-1/226 डी. जी. टी. बी/ए. एम-90]

एन. एन. एस/241]

ORDER

S.O. 1756.—M/s. Chatelac Vehicles India Ltd., Neral Kajrat, Dist. Raigad, Maharashtra were granted an import licence No. P/D/2277318 dated 3-8-89 for Rs. 59,600 (Rupees Fifty nine thousand and six hundred only) for import of Warranty spares under G.C.A.

2. The firm has applied for issue of Duplicate import licence (Both Copies) of the above mentioned licence on the ground that the original licence has been lost or misplaced. It has further been stated that the original licence was not registered with any Customs Authority and as such the value of Customs Purposes copy has not been utilised at all.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Maharashtra. I am accordingly satisfied that the original import licence No. P/D/2277318 dated 3-8-89 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original licence No. P/D/2277318 dated 3-8-89 issued to M/s. Chatelac Vehicles India Ltd., Maharashtra is hereby cancelled.

4. A duplicate supplementary import licence is being issued to the party separately.

[No. Suppl/NS-1/226/DGTD/AM-90/SLS/241]

आदेश

नई दिल्ली, 15 जून, 1990

का.आ. 1757.—मै. एल्फा इलेक्ट्रॉनिक्स प्रा. लि., 1146 एम आई जी, सेक्टर-27, गंधी नगर की सभासद मुद्रा क्षेत्र के अंतर्गत परिशिष्ट-2 ख की शर्तों के आयात के लिए 15,58,200 रु. (पंद्रह लाख अठ्ठावन हजार दो सौ रुपये मात्र) के लिए लाइसेंस सं. पो. एस्. 2017990 दिनांक 20-12-88 दिया गया था।

2. फर्म ने उपर्युक्त लाइसेंस की अनुमिति मुद्रा विनियम नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि लाइसेंस का मूल मुद्रा विनियम नियंत्रण प्रति खो गई या गुम हो गई है। आरोप यह भी बताया गया है कि लाइसेंस की मुद्रा विनियम नियंत्रण प्रति सीमाशुल्क प्राधिकारी, अहमदाबाद के पास पंजीकृत थी और सीमाशुल्क निहासी प्रति के मूल्य का आंशिक उपयोग भी किया गया है।

3. अपने तर्क के समर्थन में, लाइसेंस धारक ने नोटरी पब्लिक, अहमदाबाद, के सामने विधिवत शपथ लेकर स्टाम्प कागज पर गणपत्य दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं. पो. एस्. 2017990 दिनांक 20-12-88 का मूल विनियम नियंत्रण प्रति खो गई या गुम हो गई है। यथासंशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-55 की उप-धारा 9(ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मै. एल्फा इलेक्ट्रॉनिक्स प्रा. लि. को जारी किये गये आयात लाइसेंस सं. पो. एस्. 2017990 को उक्त मूल मुद्रा विनियम नियंत्रण प्रति एवद्वारा रद्द का जाता है।

4. उक्त लाइसेंस की अनुमिति मुद्रा विनियम नियंत्रण प्रति पार्टी को अलग से जारी की जा रही है।

[सं. सप्ल.एन.एस-9/797 एस्. एम. आई. ए. एम/-89 एस्.एन.एस.]

सं. कुबूर, उर मुख्य निर्यात प्रतिलिपि।

ORDER

New Delhi, the 15th June, 1990

S.O. 1757.—M/s. Alfa Electronics Pvt. Ltd., 1146 MIG Sector-27, Gandhinagar, were granted an import licence No. P/S/2017990 dated 20-12-88 for Rs. 15,58,200 (Rupee Fifteen

lakhs forty eight thousand and two hundred only) for import of Appendix 2B items under G.C.A.

2. The firm has applied for issue of Duplicate Exchange Control purposes copy of the above mentioned licence on the ground that the original Exchange Control copy of the licence has been lost or misplaced. It has further been stated that the Exchange Control copy of the licence was registered with Customs Authority, Ahmedabad and as such the value of Customs Purpose copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Ahmedabad. I am accordingly satisfied that the original Exchange Control copy of import licence No. P/S/2017990

dated 20-12-88 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-55 as amended the said original exchange control copy No. P/S/2017990 dated 20-12-88 issued to M/s. Alba Electronics Pvt. Ltd., is hereby cancelled.

4. A duplicate Exchange Control copy of the said licence is being issued to the party separately.

[No. Suppl/NS-9/797/SSI/MI-89/SLS/244]

S. KUJUR Dy. Chief Controller of Imports & Exports

खाद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 6 जून, 1990

का प्रा. 1758.—भारतीय मानक ब्यूरो (प्रमाणन मंदिर) नियम 1955 के नियम 3 के उपनियम (2) और विनियम 3 के उपविनियम (2) और (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे दिनांक 1989-04-30 से स्थापित किए गए हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या और शीर्षक	नए भारतीय मानक द्वारा अनिवार्य भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और शीर्षक	टिप्पणी यदि कोई हो
(1)	(2)	(3)	(4)
1.	IS: 6893 (भाग 1)—1988 मशीन ओजारों की खरीद विशिष्ट हेतु प्रोफार्मा, भाग 1 समानर खरीद और यथार्थ खरीद (पहला पुनरीक्षण)	IS: 6893 (भाग 1)—1973	—
2.	IS: 7339—1988 दांत निकालने के अग्र बैड जम्बर की विशिष्ट (पहला पुनरीक्षण)	IS: 7339—1974	—
3.	IS: 8017—1988 प्रयोग युक्तियों सहित विट्रियम इलेमल चूड़े परावर्तकों की विशिष्ट (पहला पुनरीक्षण)	IS: 8017—1976	—
4.	IS: 8271 (भाग 6/अनुभाग 3)—1988 आकृति नियंत्रण और चूनाम हेतु क्वार्टज क्रिस्टल इकाइयां भाग 6 दोलकों हेतु श्रेणी बी एफ खंड 3 क्वार्टज क्रिस्टल इकाई टाइप बी एफ-3	—	—
5.	IS: 8499—1988 फाइन हेतु टैग की विशिष्ट (पहला पुनरीक्षण)	IS: 8499—1977	—
6.	IS: 8688—1988 प्लास्टिक की पेय जल की बोतल की विशिष्ट (पहला पुनरीक्षण)	IS: 8688—1977	—
7.	IS: 8768—1988 हेज़न इकाइयों में रसायनिक द्रव उत्पादों में रंग मापन की विधि (पहला पुनरीक्षण)	IS: 8768—1978	—
8.	IS: 9181—1988 सी क्लैम्प की विशिष्ट (पहला पुनरीक्षण)	IS: 9181—1988	—
9.	IS: 9339—1988 मोपेड और त्रिविधियेन्टिन की विशिष्ट (पहला पुनरीक्षण)	IS: 9339—1979	—
10.	IS: 9420 (भाग 1)—1988 बीजक ईंधन इंजेक्शन उपस्कर हेतु अरण पम्प की विशिष्ट (भाग 1 बाह्य आयाम (पहला पुनरीक्षण)	IS: 9420 (भाग 1)—1980	—
11.	IS: 11967 (भाग 3/अनुभाग 2)—1988 रेडियो आवृत्ति सहप्रक्षय केबल की विशिष्ट, भाग 3 डोस एक्टिविटी/टिपलिपटी, खंड 2 नम्य टाइप आर 50-3एफ. 2	—	—

(1)	(2)	(3)	(4)
12	IS : 12280-1988 काउन्टर बोर्ड रजिस्ट्रेशन की विधि	—	—
13	IS : 12296-1988 बेलनाकार वाइरों गलित धागा रोलिंग मशीन का परीक्षण बार्ड	—	—
14	IS : 12311-1987 निक्किमा प्रयोजनों हेतु सूक्ष्म मरंग उपरगपार्यता उपस्कर	—	—
15	IS : 12312-1987 प्रेरण बोल्डना विषम जक की विधि	—	—
16	IS : 12313-1988 तप्त मजिज 1 टर्न ले पित्त बर्बन हस्तात पदर की विधि	—	—
17	IS : 12315 (भाग 1)-1988 धूल के न्यूनतम प्रज्जबलन तापमान के निर्धारण की विधि	—	—
18	IS : 12349-1988 गन्ग में रक्षण हेतु गुच्छा पनीक	—	—
19	IS : 12437-1988 प्रेरण टाइवर बाइलों की विधि	—	—
20	IS : 12449 (भाग 2)-1988 स्टार्टिंग युक्तियों की विधि (ग्लो स्टार्टर के अलावा) भाग 2 कार्यकारिता अपेक्षाएं	—	—
21	IS : 12459-1988 केबल रन में भाग के सुरक्षा की गति संहिता	—	—
22	IS : 12467-1988 धूस्रपान सामग्री द्वारा कर्मीचर हेतु अपहॉलस्ट्री सामग्री की प्रज्जबलन शीलता के निर्धारण की विधि	—	—
23	IS : 12469-1988 अग्नि गणन संको हेतु पम्प की विधि	—	—
24	IS : 12473 (भाग 6)-1988 ज्वाला अणु अवशोषण स्पेक्ट्रोमीट्री द्वारा कठोर धातुओं का रासायनिक विश्लेषण भाग 60.1 में 2 पविशत (ब्रह्ममान मार) तक क्रोमियम का निर्धारण	—	—
25	IS : 12482-1988 हस्त चालित डस्टर की परीक्षण विधि	—	—
26	IS : 12492-1988 संपीडित वायु हेतु अमो प्लास्टिक हीज की विधि (बस्त्राधि द्वारा प्रबलित) की विधि	—	—
27	IS : 12495-1988 फोटोप्राफीय ग्रेड के पोटेशियम पैरोसाइनड की विधि	—	—
28	IS : 12496-1988 पौष्टिक रेडियोफ्री हेतु फिल्म के साहज	—	—
29	IS : 12497 (भाग 1)-1988 बम्बूक की गोली हेतु प्लास्टिक के कार्ट्रिज की विधि, भाग 1 सामान्य अपेक्षाएं	—	—
30	IS : 12509-1988 गिगर मूलर काउन्टर हेतु परीक्षण प्रक्रिया	—	—
31	IS : 12510-1988 रीवार की चड़ी विधि (बैटरी चालित)	—	—
32	IS : 12512-1989 एच डीपी ई आधान-ब्रव कृषि कीटनाशक 1 से 5 लिटर तक धारिता वाले —विधि	—	—
33	IS : 12515-1988 दो व्यक्तियों द्वारा अमने सामग से पकड़ कर प्रयोग की जाने वाली आरी हेतु नक्की के गीले की विधि	—	—
34	IS : 12516 (भाग 2)-1988 गहू के गुंथे घाटे के भौतिक लक्षणों के निर्धारण की विधि भाग 2 एकसत्संश्राफ का प्रयोग करते हुए पानी अपने अन्दर रोक सकने का गुण	—	—
35	IS : 12516 (भाग 3)-1988 गेहू के गुंथे घाटे के भौतिक लक्षणों की निर्धारण विधि भाग 3 बैनरिशाफ का प्रयोग करते हुए जल अवशोषण और अपने जल रोक सकने का गुण	—	—
36	IS : 12521-1988 काग रिम रिच की विधि	—	—
37	IS : 12524-1988 मुख्य बैक बैगेज कन्टेनर लोडर की सामान्य अपेक्षा	—	—
38	IS : 12532-1988 फेल्ड पेन स्थायी की विधि	—	—

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-11002 तथा इसके क्षेत्रीय कार्यालय-कलकत्ता, चंडीगढ़, मद्रास और बम्बई एवं शाखा कार्यालयों—आमराबाद, बंगलौर, भोपाल, भुवनेश्वर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना और सिचेन्नम में विक्री के लिए उपलब्ध हैं।

[सं. सी एम डी 13 : 2]

एस. सूत्रहमप्यन, अवर महानिदेशक

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 6th June, 1990

S.O. 1758.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established on 1989-04-30 :

SCHEDULE

Sl. No., Year and Title of the Indian No. Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
1. IS:6893 (Part I)—1988 proforma for purchase specification for machine tools Part 1 General purpose parallel lathes and precision lathes (First Revision)	IS:6893 (Part 1)—1973	—
2. IS:7339—1988 Specification for pliers, anterior band removing, dental (First Revision)	IS:7339-1974	—
3. IS:8017-1988 Specification for vitreous enamelled reflectors for use with illuminating device. (First Revision)	IS:8017-1976	—
4. IS:8271 (Part 6/Sec 3)—1988 Specification for Quartz crystal units used for frequency control and selection Part 6 Series BF for oscillators Section 3 Quartz crystal unit type BF-03	—	—
5. IS:8499-1988 Specification for tags for files (First Revision)	IS:8499-1977	—
6. IS:8688-1988 Specification for plastics potable water bottles (First Revision)	IS:8688-1977	—
7. IS:8768-1988 Method of measurement of colour in liquid chemical products in haen units (First Revision)	IS:8768-1978	—
8. IS:9181-1988 Specification for O-Clamps (First Revision)	IS:9181-1988	—
9. IS:9339-1988 Specification for pot-mades and brilliantines (First Revision)	IS:9339-1979	—

(1)	(2)	(3)	(4)
10. IS:9420 (Part 1)—1988 Specification for feed pumps for diesel fuel injection equipment Part 1 External dimensions (First Revision)	IS:9420 (Part 1)—1980	—	—
11. IS : 11967 (Part 3/Sec 2)—1988 Specification for radio frequency coaxial cables Part 3 Solid extruded/type wrapped PTFE Section 2 Flexible, type R50-3 FO2	—	—	—
12. IS:12280-1988 Specification for Tennon without counterbore	—	—	—
13. IS:12296-1988 Test Chart for thread rolling machines with cylindrical dies.	—	—	—
14. IS:12311-1987 Specification for Microwave diathermy equipment for therapeutic purposes.	—	—	—
15. IS:12312-1987 Specification for Inductive voltage dividers	—	—	—
16. IS:12313-1988 Specification for Hot-Dip tinned coated carbon steel sheets.	—	—	—
17. IS:12315 (Part 1)—1988 Methods for determining the minimum ignition temperature of dusts Part 1 dust layer on a heated surface at a constant temperature.	—	—	—
18. IS:12349-1988 Fire protection-Safety signs.	—	—	—
19. IS:12427-1988 Specification for Transmission tower bolts.	—	—	—
20. IS:12449 (Part 2)—1988 specification for starting devices (other than glow starters) Part 2 Performance requirements.	—	—	—
21. IS:12459-1988 Code of practice for fire safety in cable runs	—	—	—
22. IS:12467-1988 Method for determination of the ignitability of upholstered composites for seating for furniture by smoker's materials.	—	—	—
23. IS:12469-1988 Specification for Pumps for fire fighting system	—	—	—
24. IS:12473 (Part 6)—1988 Chemical analysis of hardmetals by flame atomic absorption spectrometry Part 6 Determination of chromium in contents from 0.01 to 2 percent (m/m)	—	—	—

(1)	(2)	(3)	(4)
25. IS:12482-1988 Methods of test for manually operated dusters.	---	---	
26. IS:12492-1988 Specification for thermoplastics hoses (textiles reinforced) for compressed air	---	---	
27. IS:12495-1988 Specification for potassium ferricyanide, photographic grade.	---	---	
28. IS:12496-1988 Sizes of film for industrial radiography.	---	---	
29. IS:12497 (Part 1)—1988 Specification for plastic cartridges for shot guns Part 1 General requirements.	---	---	
30. IS:12509-1988 Test procedure for geiger-muller counters	---	---	
31. IS:12510-1988 Specification for wall clock (Battery operated)	---	---	
32. IS:12512-1989 HDPE containers - For liquid pesticides-capacity over 1 and up to 5 litres—Specification	---	---	
33. IS:12515-1988 Specification for wooden setting cut for two-men cross cut saws.	---	---	
34. IS:12516 (Part 2)-1988 Method for determination of physical characteristics of doughs made from wheat flour Part 2 Rheological properties using an extensograph	---	---	
35. IS:12516 (Part 3)—1988 Method for determination of physical characteristics of doughs made from wheat flour part 3 Water absorption and Rheological properties using a valorigraph	---	---	
36. IS:12521-1988 Specification for cross Rim Wrenches.	---	---	
37. IS:12524-1988 General requirements for main deck baggage container loader.	---	---	
38. IS:12532-1988 Specification for Felt Pen Ink.	---	---	

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards 9 Bahadur Shah Zafar Marg Manak Bhavan New Delhi-110002. and Regional Offices Calcutta, Chandigarh, Madras and Bombay and also from its Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad, Jaipur, Kanpur, Patna and Trivandrum.

[No. CMD/13:2]

S. SUBRAHMANYAN, Addl. Dir. General

उद्योग मंत्रालय
(कम्पनी कार्य विभाग)

नई दिल्ली, 14 जून, 1990

का.प्र. 1759.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 28 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा इस अधिसूचना के अनुलग्नक में उल्लिखित उपक्रमों के पंजीकरण के निरस्तीकरण को अधिसूचित करती है, क्योंकि उक्त उपक्रम ऐसे उपक्रमों में से है, जिन पर उक्त अधिनियम के अध्याय-3 के भाग क अध्याय के उपबन्ध प्रब लागू नहीं होते हैं।

अनुलग्नक

क्र.सं.	उपक्रम का नाम	पंजीकृत कार्यालय	पंजीकरण संख्या
1.	मैसर्स कोठारी (मद्रास) इंटरनेशनल लिमिटेड	"कोठारी बिल्डिंग" बॉक्स नम्बर 3309, नूंगामबक्कम हाई रोड, मद्रास-600034	1315/76
2.	मैसर्स सैक्योरिटीज प्रापरेटर्स एण्ड कम्पनी लिमिटेड, इन्स्ट्रूमेंट	-यथोपरि-	2430/86
3.	मैसर्स कोठारी एण्ड सन्स	-यथोपरि-	1335/77

[सं० 16/1/90-एम-3]

एम.बी. सिंह, उप सचिव

MINISTRY OF INDUSTRY
(Department of Company Affairs)
New Delhi, the 14th June, 1990.

(54 of 1969), the Central Government hereby notifies the cancellation of the registration of the undertakings mentioned in the Annexure to this Notification, the said undertakings being undertakings to which the provisions of Part A, Chapter-III of the said Act no longer apply.

S.O. 1759.—In pursuance of sub-section (3) of section 26 of the Monopolies and Restrictive Trade Practices Act, 1969

ANNEXURE

Sl. Name of the Undertaking No.	Registered Office	Registration Number
1. M/s. Kothari (Madras) International Limited.	'Kothari Building, Box No. 3309 Nungambakkam High Road, Madras : 6000 034	1315/76
2 M/s. Securities Operations & Investment Company Ltd.	-do-	2430/86
3. M/s. Kothari & Sons	-do-	1335 77

[No. 16/1/90-M. III]

S.B. SINGH, Dy. Secy.

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 8 जून, 1990

का.प्र. 1760.—सार्वजनिक परिसर (अप्राधिकृत अधिमोनियों की बेवकाली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार द्वारा एतद्वारा नीचे दी गई तालिका के कालम (1) में निम्नलिखित राष्ट्रीय ताप विद्युत निगम लिमिटेड, एक प्राविधिक प्राधिकरण के अधिकारी जो कि भारत सरकार के राजपत्रित अधिकारी के समकक्ष हैं, को कथित अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त किया जाता है जो कथित तालिका के कालम 2 में संगत प्रविष्टि में निम्नलिखित सार्वजनिक परिसरों की श्रेणियों के बारे में कथित अधिनियम के द्वारा प्रवृत्त शक्तियों के अन्तर्गत संपदा अधिकारी को प्रवृत्त की गई शक्तियों का उपयोग कर सकेगा और संपदा अधिकारी को सौंपे गये कर्तव्यों का निर्वहण करेगा।

तालिका.

अधिकारी का नाम और पदनाम	सार्वजनिक परिसरों की श्रेणियाँ
1	2
श्री रफी उल्लाह खां, सहायक विधि अधिकारी	बिलासपुर, जिला कोरबा (मध्य प्रदेश) में कोरबा सुपर-ताप विद्युत परियोजना के स्वामित्व वाली, पट्टे पट्ट दी गद्द अथवा किराए पर दी गई भूमि, सभी क्वार्टर, सम्पदा सम्पत्ति और अन्य आवास।

[सं. 8/2/90-पू.एम. (सी.टी.)]
के.एन. बिस्वास, अवर सचिव

MINISTRY OF ENERGY

(Department of power)

New Delhi, the 8th June, 1990

S.O. 1760—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Un-authorised occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the table below being an officer of the National Thermal Power Corporation Limited, a statutory authority and equivalent to the rank of a Gazetted Officer of the Government of India, to be the Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on an Estate Officer by or under the said Act in respect of the categories of public premises specified in the corresponding entry in column (2) of the said table.

TABLE

Name and Designation of Officer	Categories of public premises
(1)	(2)
1 Shri Rafi Ullah Khan, Asstt. Law Officer	All lands, quarters estates properties and other accommodation owned, leased or rented by the Korba Super Thermal Power project, in Korba Distt Bilaspur (Madhya Pradesh)

[No. 8/2/90-US(CT)]
K.N. BISWAS, Under Secy.

(कोरबा विभाग)

नई दिल्ली, 12 जून, 1990

स.स. 1761:—केन्द्रीय सरकार ने, कोरबा धातुक क्षेत्र (अर्जेंट और विकास) अधिनियम, 1957 (1957 का 30) की धारा 3 की उपधारा के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 17 जून, 1989 में प्रकाशित भारत सरकार के ऊर्जा विभाग (कोरबा विभाग) की अधिसूचना का. स. 1373, तारीख 15 मई, 1989 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिश्रेष्ठ में की भूमि में 1272.4210 हेक्टर (लगभग) या 3144.149 एकड़ (लगभग) भूमि में कोरबा का पुनर्विकास करने के अपने आदेश की सुधता की थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोरबा अधिग्रहण है।

इस; अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित का अर्थ करता है अपने आदेश की सूचना देती है।

(क) इससे संलग्न अनुसूची "क" में वर्णित 153.745 हेक्टर (लगभग) या 379.90 एकड़ (लगभग) भाग की भूमि;

(ख) इससे संलग्न अनुसूची "ख" में वर्णित 1116.291 हेक्टर (लगभग) या 2758.35 एकड़ (लगभग) भाग वाली भूमि में जिनकी के अन्त, कोर करने, उगी की खुदाई करने और निकास करने, उन्हें प्राप्त करने उन पर कार्य करने और उन्हें ले जाने के अधिनियम।

टिप्पणी-1 : इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एम.ई.सी. एल.: बी. एस.पी.: जी. एम. (पी/एम): भूमि: 63, तारीख 6 फरवरी, 1990 का निरीक्षण कलकटर, सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकता के कार्यालय में या भाउष्य ईस्टर्न कोलफील्ड्स लि., (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पणी-2 : पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है जिनमें निम्नलिखित उपबंध हैं :

8. अर्जन की बाबत आपत्तियाँ

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, प्रक्रिया में निहित होने से सीस वित्त के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अर्थास्तर्गत यह आपत्ति नहीं मानो जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संश्लेषण करना चाहता है और ऐसी संश्लेषण केंद्रीय सरकार या किसी अन्य व्यक्ति को नहीं करना चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी प्रतिरिक्त जब, यदि कोई हो, तब के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या उसी भूमि में या उस पर के प्रतिस्पर्धियों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अतिरिक्त सहित विभिन्न रिपोर्टें केंद्रीय सरकार को उसके विनिर्दिष्ट के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिस्पर्धियों में हित का दावा करने का हक्का होता यदि भूमि या किसी ऐसी भूमि में या पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।

टिप्पणी 3 : केंद्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकता को उक्त अधिनियम के अन्तर्गत निम्नलिखित अधिकार दिए हैं।

अनुसूची "क"
गिरिजापुर ब्लॉक
बैकुंठपुर क्षेत्र
जिला सागर (मध्य प्रदेश)

राजस्व भूमि
प्लॉक-1
सभी अधिकार

क्र. सं.	ग्राम का नाम	पटवारी हलका सं.	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणी
1. खोड		27	बैकुंठपुर	सागुजा	81.371	भाग
2. सोरगा		37	बैकुंठपुर	सागुजा	16.268	भाग

कुल : 97.639 हेक्टर

वन भूमि

कम्पाटमेंट सं.	रेज	प्रभाग	क्षेत्र हेक्टरों में	टिप्पणियाँ
1. 472(पी), 473(पी), 473(II) और अर्जित वन (पी)	बैकुंठपुर	कोरेगा वन प्रभाग	28.667	
2. 315(पी), 316(पी)	बैकुंठपुर	अतिरिक्त सरगुजा प्रभाग	1.125	

कुल : 29.792 हेक्टर

कुल योग :- 127.431 हेक्टर (लगभग) या 314.88 एकड़ (लगभग)

ग्राम खोड (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक :

48, 56(पी), 57 से 90, 91(पी), 92 से 124, 125/1, 125/1, 125/3, 126, 131/1 (क) (पी), 131/1(ग) (पी), 132, 133, 380(पी), 381(पी), 382(पी), 383 से 422, 423(पी), 425/4, 427, 428(पी), 429 से 433, 434(पी), 435, 436(पी), 437/7(पी), 439/1 (पी), 439/2, 440, 484 से 486, 488(पी), 490 (पी), 500 (पी), 501(पी), 502(पी), 734

ग्राम सोरगा (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक :

131, 132 (पी), 136(पी), 137(पी), 146(पी), 149 से 165, 166(पी), 167 से 170, 180(पी)।

सीमा वर्णन :

त-ग-ह-ब- रेखा खोंड ग्राम में "त" बिन्दु से प्रारंभ होती है और खतम अधिकार ब्लॉक-II के अधीन अजित क्षेत्र की सम्मिलित सीमा के साथ-साथ चलती है।
 ठ-ड-म-अ- हुई "ब" बिन्दु पर मिलती है।

क-छ-ह

क-व-1-ख-2- रेखा खतम अधिकार ब्लॉक-II के अधीन अजित क्षेत्र की सम्मिलित सीमा के साथ-साथ जाती है।

ख-3

घ-3-ख-4-ब-5-रेखा प्रारंभिक वर्ग में वन कम्पाटमेंट संख्या 218, 473, 479, से होकर जाती है, उगने परवात कम्पाटमेंट सं. 479, 215, 473, 218 से होकर
 ज-6-ख-7-त-9 जाती है और त-9 बिन्दु पर मिलती है।

त-9-ड-3-अ- रेखा खतम अधिकार (ब्लॉक-I) के अधीन अजित क्षेत्र की सम्मिलित सीमा के साथ-साथ चलती है।

2-ड-1

क-1-क-न-ग-रेखा खतम अधिकार (ब्लॉक-I) के अधीन अजित क्षेत्र के साथ-साथ चलती है।

ख-न

क-म-म-न रेखा खोंड ग्राम में प्लॉट सं. 67, 69, 70, 406 की दक्षिणी-पश्चिमी सीमा के साथ-साथ चलती है और तब प्लॉट सं. 131 की पश्चिमी सीमा के साथ-साथ चलकर सोरगा ग्राम में प्रवेश करती है। इसके बाद प्लॉट सं. 132, 136, 137 से गुजरती है इसके बाद प्लॉट सं. 148 की दक्षिणी सीमा से जाती है उसके पश्चात् प्लॉट सं. 148, 166, 186 से होकर जाती है और "ब" बिन्दु पर मिलती है।

ब-क-प-न रेखा सोरगा ग्राम में प्लॉट सं. 186 और प्लॉट सं. 167, 170, 169, की पूर्वी सीमा से होकर गुजरती है और तब खोंड ग्राम में प्रवेश करती है और प्लॉट सं. 430 की उत्तरी सीमा के साथ-साथ जाती है। इसके पश्चात् प्लॉट सं. 434, 502, 501 से होकर जाती है, प्लॉट सं. 500, 498 की पूर्वी सीमा से होकर जाती है उसके पश्चात् 498, 500, 499, 437/7, 436, 439/1 से होकर गुजरती है इसके पश्चात् प्लॉट सं. 439/1, की पश्चिमी सीमा से चलती है और तब प्लॉट सं. 428 से जाता है। इसके पश्चात् प्लॉट सं. 425/4 की उत्तरी सीमा 422/1, 422/2 की पूर्वी सीमा के साथ-साथ चलती हुई प्लॉट सं. 423 से होती हुई प्लॉट सं. 454 की पूर्वी सीमा और 456 की पूर्वी सीमा के साथ-साथ चलती हुई प्रारंभिक बिन्दु "त" पर मिलती है।

क्र. सं.	ग्राम का नाम	पटवारी इलाका सं.	तहसील	जिला क्षेत्र	क्षेत्र हैक्टरों में	टिप्पणियाँ
1.	सोरगा	27	बैकुंठपुर	सरगुजा	1.762	भाग
2.	टेमरी	27	बैकुंठपुर	सरगुजा	17.603	भाग
3.	खोंड	27	बैकुंठपुर	सरगुजा	6.949	भाग
कुल :					26.314 हैक्टर (लगभग)	
					या	
					65.02 एकड़ (लगभग)	

ग्राम सोरगा (भाग) में अजित किए जाने वाले प्लॉट सं.

1(भाग), 5(भाग) 7 (भाग) 96(भाग), 97 (भाग)

ग्राम टेमरी (भाग) में अजित किए जाने वाले प्लॉट सं.

33(भाग), 34, 35, 36, 37(भाग), 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 (भाग), 51(भाग), 52, 53, 54(भाग), 55(भाग) 66(भाग), 67(भाग) 68, 69(भाग), 130(भाग)।

ग्राम खोंड (भाग) में अजित किए जाने वाले प्लॉट संख्याएं

23(भाग), 24(भाग), 25(भाग), 26(भाग), 27, 28, 29, 33/1, 33/2, 34, 35, 36(भाग), 44(भाग), 45, 46(भाग), 47 (भाग), 51 (भाग), 750/30 (भाग), 750/23, 750/29(भाग), 750/1(भाग)।

सीमा वर्णन :

ड-ड-1, क-1, रेखा सोरगा ग्राम में "ड-1" बिन्दु से प्रारंभ होती है और खतम अधिकार ब्लॉक-II के अधीन अजित क्षेत्र की सम्मिलित सीमा के साथ

ख-1, ग-1 साथ चलती है और "ग-1" बिन्दु पर मिलती है।

ग-1, घ-1, ड-1, रेखा खतम अधिकार ब्लॉक-II के अधीन अजित क्षेत्र की सम्मिलित सीमा के साथ चलकर "ज-1" बिन्दु पर मिलती है।

घ-1, ज-1

ज-1, ज-1, रेखा ग्राम सोरगा में प्लॉट सं. 5, 97, 96 से होकर गुजरती है और प्लॉट सं. 96, 97, 5 से गुजरती हुई बिन्दु "ड-1" पर मिलती है।

ड-1, ड-1, ड-1

जनसूची-ख

गिरजापुर-ब्लाक

बैकुंठपुर छेत्र

शिव-नरगुजा (मध्य प्रदेश)

राजस्व भूमि

श्लासि-1

खतन अधिकार

क्र. सं.	ग्राम का नाम	पटवारी हलका	सहस्रौज	जिला	क्षेत्र हेक्टरों में	टिप्पणियां
1.	खोंड	27	बैकुंठपुर	सरगुजा	23.122	भाग
2.	सोरगा	27	बैकुंठपुर	सरगुजा	9.611	भाग
3.	टेमरी	27	बैकुंठपुर	सरगुजा	37.373	भाग
कुल : 70.106						

वन भूमि

क्र. सं.	कम्पाटमेंट सं.	रेंज	प्रभाग	क्षेत्र हेक्टरों में	टिप्पणियां
1.	472 (भाग), 473 (भाग), 474, 475 और पी. एफ. (भाग)	बैकुंठपुर	कोरिया	229.654	
2.	218 (भाग)	सुरजपुर	वशिष्ट सरगुजा	8.250	
कुल :				237.905 हेक्टर	
कुल योग :				308.01 हेक्टर (न.भाग) या 761.09 एकड़ (स.भाग)	

1. खोंड (भाग) ग्राम में अर्जित किए जाने वाले प्लॉट संख्यांक

1 से 22, 23(पी), 24(पी), 29/1(पी), 30, 31, 32, 36(पी), 37 से 43, 44(पी), 46(पी), 47(पी), 49(पी), 50, 51(पी) 52 से 55, 56/1, 91(पी), 750/1 (पी), 750/2 से 750/22, 750/24 से 750/38, 750/29(पी), 750/30(पी)।

2. सोरगा ग्राम (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक

1(भाग), 2, 3, 4(भाग), 5(भाग), 6(भाग), 7(भाग), 8(भाग)

3. ग्राम टेमरी (भाग) में अर्जित किए जाने वाले प्लॉट संख्यांक

1, 2, 3, 4, 5(पी), 6(पी), 7(पी), 8(पी), 13(पी), 16(पी), 17(पी), 18, 19, 20(पी), 21(पी), 22(पी), 23 से 29, 30(पी), 31, 32, 33(पी), 37(पी), 50(पी), 51(पी), 54(पी) 55, 56, 57-391 58(पी), 62(पी), 63(पी) 64(पी), 65, 66(पी), 67(पी) 69(पी) 70, 71 (पी), 72, 73(पी), 74(पी) 130(पी)

सीमा वर्णन :

अ-ड1 रेखा बिन्दु "क" से आरंभ होकर सोरगा ग्राम में प्लॉट सं. 4, 5 से गुजरती है और "ड1" बिन्दु पर मिलती है।

ड1-ड1-क1- रेखा ग्राम सोरगा में प्लॉट सं. 5, 6, 1 से होकर गुजरती है और खोंड ग्राम में प्रवेश करती है और प्लॉट सं. 47, 51, 44, 36 प्लॉट सं.

ख1-ग1 31/1 की उत्तरी सीमा से गुजरती है उसके पश्चात् प्लॉट सं. 29/1, 24, 23 750/1, 750/30, 750/29 से गुजरकर बिन्दु "ग-1" पर मिलती है।

ग1-घ1-क1- रेखा टेमरी ग्राम में प्लॉट सं. 33, 130, 37, 68, 67, 66, 54, 53, 51, 50 से होकर गुजरती है और तब सोरगा ग्राम में प्लॉट सं. 7, 5 घ1-ज1 से गुजरकर बिन्दु "ज1" में मिलती है।

ज1-न15-न14- रेखा ग्राम सोरगा में प्लॉट सं. 5, 3 से गुजरती है और उसके पश्चात् टेमरी ग्राम में प्लॉट सं. 58, 62, 64, 63, 73, 74, 71, 37,

स-13-स-12 30, 21, 22, 20, 13, 20, 16, 8, 7, 6, 5 से गुजरती है और तब पारक्षित वन कम्पाटमेंट सं. 475, 471 से होकर हुई बिन्दु "न-12" पर मिलती है।

स-12 स-11-स-10-स-9 रेखा वन कम्पाटमेंट सं. 474 218 से गुजरती है "न-9" बिन्दु पर मिलती है।

स-9 स-8-स-7-स-6 रेखा वन कम्पाटमेंट सं. 218, 473, 472 से होकर गुजरती है। उसके पश्चात् आरक्षित वन से चलती हुई "स-6" बिन्दु पर मिलती है।

स-6-स-5-स-4-स-3 रेखा मंग्रियत वन से गुजरती है और उसके पश्चात् खोंड ग्राम से प्लॉट सं. 753 में से गुजरती हुई प्लॉट संख्या 93, 92, 90 और प्लॉट सं. 91, 56 की पश्चिमी सीमा से चलकर प्लॉट सं. 57, 58, 48, 67 की पश्चिमी सीमा से चलकर "ब" बिन्दु पर मिलती है।

राज्य भूमि

ब्लॉक-II

खण्ड अभिकरण

क्र. सं.	ग्राम/का नाम	पटवारी हस्ता सं.	तहसील	जिला	क्षेत्र क्षेत्रों में	टिप्पणियाँ
1.	खोंड	27	बैकुंठपुर	सरगुजा	54.448	भाग
2.	बदसारा	8	सूरजपुर	सरगुजा	22.636	भाग
					योग	77.084

वन भूमि

क्र. सं.	कम्पाटमेंट सं.	रेंज	प्रभाग	क्षेत्र क्षेत्रों में	टिप्पणियाँ
1.	472(भाग) 473(भाग)	श्रीर पी. एफ.	बैकुंठपुर	कोरिया	151.486
2.	215(भाग), 217(भाग), 218(भाग), 219(भाग) 220(भाग)	सूरजपुर	दक्षिण सरगुजा	579.711	
				कुल	731.197 हेक्टेयर
				श्रीर पी. एफ.	
				कुल योग	808.281 हेक्टेयर (लगभग)
				या	1997.26 एकर (लगभग)

खोंड ग्राम (भाग) में अजित किए जाने वाले प्लॉट संख्यांक

127 से 130, 131(भाग), 134 से 138, 139(भाग), 140 से 147, 148/4, 148/5(भाग), 148/6(भाग), 149 से 167, 168(भाग), 169(भाग), 170 से 172, 173(भाग), 174, 175, 176, 177(भाग), 178(भाग), 179(भाग), 189(भाग), 190(भाग), 191(भाग) 192 से 201, 202(भाग), 203, 204, 205(भाग), 206, 207, 208(भाग) 209, 219(भाग), 223(भाग), 245, 246, 247(भाग), 362(भाग), 363(भाग), 364(भाग), 365(भाग), 367(भाग), 368 से 379, 380(भाग), 381(भाग), 382(भाग), 457(भाग), 458(भाग) 470, 460(भाग), 753 बदसारा ग्राम (भाग) में अजित किए जाने वाले प्लॉट संख्यांक

1(भाग)

सीमा वर्णन

- न-ण-ड-ड- रेखा खोंड ग्राम में "न" बिन्दु से आरम्भ होती है और प्लॉट सं. 375 की पश्चिमी सीमा के साथ-साथ चलकर प्लॉट सं. 382 381, 380 में से और प्लॉट सं. 379, 371/2, 133 की पश्चिमी सीमा में से जाती है। उसके पश्चात् प्लॉट सं. 134 की दक्षिणी सीमा से होकर जाती है। तत्पश्चात् प्लॉट सं. 131/18, 131/17, 131/13 से जाती है और प्लॉट सं. 127 की दक्षिणी सीमा से जाती है। उसके पश्चात् प्लॉट सं. 753 में से होकर प्लॉट सं. 127, 128 की पश्चिमी सीमा में से जाती है और उसके पश्चात् सी. एफ. में से होकर श्रीर. एफ. कम्पाटमेंट सं. 472 में से जाती है। तब वह संरक्षित वन में से जाती है और "ज" बिन्दु पर मिलती है।
- न-ख-1-ख-2-ख-3 रेखा संरक्षित वन में से गुजरती है, उसके पश्चात् आरक्षित वन कम्पाटमेंट सं. 472, 473, 218 से होकर जाती है और "ख-3" बिन्दु पर मिलती है।
- ख-3-त-6-त-5-त-4-त-3 रेखा आरक्षित वन कम्पाटमेंट सं. 218, 215, 217, 219, 220 में से गुजरती है उसके पश्चात् आरक्षित वन कम्पाटमेंट सं. 720, पी. एफ., 220, 219 में से चलकर दक्षिणी दिशा में मुड़ जाती है। उसके पश्चात् प्लॉट सं. 1 में से चलकर बदसारा ग्राम में प्रवेश करती है और "त-3" बिन्दु पर मिलती है।
- त-3-त-2-त-1-त रेखा प्लॉट सं. 1 में से होकर ग्राम बदसारा में से गुजरती है और प्लॉट सं. 202, 247 205, 208, 205, 219 205, 223 191, 190, 189, 173, 178, 177, 179, 168, 168, 381, 148/3, 363, 148/5, 149, 362, 364, 356 367, 459, 460, 459, 458 457 में से होकर चलती है और आरम्भिक बिन्दु "त" पर मिलती है।

[सं. 43015/2/89-एल. एम. उदय]

बी. बी. राय, अधीक्षक सचिव

(Department of Coal)

New Delhi, the 12th June, 1990

S.O. 1761. Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal S.O. No. 1373 dated the 15th May, 1989, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), and published in the Gazette of India in part-II, section 3, sub-section (ii) dated the 17th June, 1989 the Central Government gave notice of its intension to prospect for coal in 1272.420 hectares (approximately) or 3144.149 acres (Approximately) of the lands in the locality specified in the Schedule annexed to that notification.

And whereas, the Central Government is satisfied that coal is obtainable in a part of the said land ;

Now, therefore, in exercise of the powers conferred by the sub-section (1) of section 7 of the said Act. the Central Government hereby gives notice of its intention to acquire ;

- (a) The lands measuring 153.745 hectares (approximately) or 379.90 acres (approximately) described in Schedule "A" appended here to ;
- (b) The rights to mine, quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 1116.291 hectares (approximately) or 2758.35 acres (approximatel) described in the Schedule "B" appended hereto ;

Note :—The plan bearing No. SECL : BSP : GM/(P/M) : Land : 63 dated the 6th February, 1990 of the area covered by this notification may be inspected in the office of the Collector, Surguja (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the South Eastern Coal fields Limited (Revenue Section), Seepat Road, Bilaspur-495001 (Madhya Pradesh).

Note-2 :—Attention is hereby invited to the provisions of section 8 of the aforesaid Act which provide as follows :

OBJECTIONS TO ACQUISITION :

- "8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—

It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

- (2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practioner and shall after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either makes a report in respect of the land which has been notified under sub-section (1) of Section 7 or of rights in or over different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections, together with the records of the proceeding held by him for the decision of that Government.
- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act".

Note-3 :—The Coal Controller, 1 Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE 'A'

GIRIJAPUR BLOCK

BAIKUNTHPUR AREA

DISTRICT—SURGUJA (MADHYA PRADESH)

REVENUE LAND

BLOCK-I

ALL RIGHTS

Sl. No.	Name of Village	Patwari Halka No.	Tahsil	District	Area in Hectares	Remarks
1.	Khond	27	Baikunthpur	Surguja	81.371	part.
2.	Sorga	27	Baikunthpur	Surguja	16.268	part
Total:—					97 639 Hectares	

FOREST LAND

Compartment No.	Range	Division	Area in Ha.	Remarks
1. 472(P), 473(P), 479(P) & protected forest (P)	Baikunthpur	Korea Forest Division	28.667	
2. 215, (P), 218(P)	Surajpur	South Surguja Division	1.125	
Total:—			29.792 Hectares	

Grand Total : 127.431 Hectares (approximately)
OR 314.88 Acres (approximately)

Plot numbers to be acquired in village Khond (Part).

48, 56(P), 57 to 90, 91(P), 92 to 124, 125/1, 125/2, 125/3, 126, 131/1(क) (P), 131/1(ख) (P), 131/1(ग) (P) 132, 133, 380(P), 381(P), 382(P), 383 to 422, 423(P), 425/4, 427, 428(P), 429, to 433, 434(P), 435, 436(P) 437/7 (P) 439/1 (P), 439/2, 440, 454 to 456, 498(P), 499(P), 500(P), 501(P), 502(P), 734.

Plot numbers to be acquired in village Sorga (part).

131, 132(P), 136(P), 137(P), 148(P), 149 to 165, 166(P), 167 to 170, 186(P).

Boundary Description :—

P-O-N-M-L-K-J-I-H-G-B.	Line starts from point 'P' in village Khond and passes along the common boundary area acquired under mining rights block-II and meets at point 'F'.
F-F1-F2-F3.	Line passes along the common boundary area acquired under mining rights block-II".
F-3-F4-F5-F6-F7-P9	Line passes in reserve forest through forest compartment numbers 218, 473, 479, 215, 479 then through forest compartment Numbers 479, 215, 473, 218 and meets at 'P9'.
P9-E3-E2-E1	Line passes along the common boundary area acquired under mining rights (Block-I).
E1-E-D-C-B-A.	Line passes along the common boundary area acquired under mining rights (Block-I).
A-Y-X-W	Line passes in village Khond along the south-western boundary of plot numbers 67, 69, 70, 406, then enter in village Sorga along the western boundary of plot number 131 then through plot numbers 132, 136, 137 and southern boundary of plot number 148 then through plot numbers 148, 166, 186 and meets at point 'W'.
W-V-U-T-S-R-Q-P.	Line passes in village Sorga through plot number 186 and eastern boundary of plot numbers 167, 170, 169 then enter in village Khond and passes along the northern boundary of plot number 430 then through plot numbers 434, 502 501, eastern boundary of plot number 500, 498 then through plot numbers 498 500, 499, 437/7 436, 439/1 western boundary of plot number 439/1 then through plot number 428 then northern boundary of 425/4 eastern boundary of plot numbers 422/1, 422/2 through plot number 423 along-eastern boundary of plot number 454 and south eastern boundary of plot number 456 and meets at the starting point 'P'.

SCHEDULE—A (Continued)

REVENUE LAND
BLOCK-II
ALL RIGHTS

Sl. Name of Village No.	Patwari Halka No.	Tahsil	District	Area in hectares	Remarks
1. Sorga	27	Baikunthpur	Surguja	1.762	Part.
2. Temri	27	Baikunthpur	Surguja	17.603	Part.
3. Khond	27	Baikunthpur	Surguja	6.949	Part.

Total:— 26.314 hectares (approximately)

OR

26.02 acres (approximately)

Plot numbers to be acquired in village Sorga (part).

1(P), 5(P), 7(P), 96(P), 97(P).

Plot numbers to be acquired in village Temri (part).

33(P), 34, 35, 36, 37(P), 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50(P), 51(P), 52, 53, 54(P), 55(P), 66(P), 67(P), 68, 69(P), 130(P).

Plot numbers to be acquired in village Khond (part)

23(P), 24(P), 25(P), 26(P), 27, 28, 29, 33/1, 33/2, 34, 35, 36(P), 44(P), 45, 46(P), 47(P), 51(P), 750/30(P), 750/23, 750/29(P), 750/1(P).

Boundary Description:—

M1-N1-A1-B1-C1. Line starts from point 'M1' in village Sorga and passes along the common boundary area acquired under mining rights (Block-II) and meets at point 'C1'.

C1-D1-E1-F1-H1. Line passes along the common boundary area acquired under mining right (Block-II) and meets at point 'H1'.

H1-I1-J1-K1-L1-M1 Line passes in village Sorga through plot numbers 5, 97, 96 then 96, 97, 5 and meets at the starting point M1'.

SCHEDULE—B

GIRIJAPUR BLOCK

BAIKUNTHPUR AREA

DISTRICT—SURGUJA (MADHYA PRADESH)

Revenue Land
Block—I
Mining Rights

Sl. Name of Village No.	Patwari Halka No.	Tahsil	District	Area hectares	Remarks
1. Khond	27	Baikunthpur	Surguja	23.122	part.
2. Soraga	27	Baikunthpur	Surguja	9.611	part
3. Temari	27	Baikunthpur	Surguja	37.373	part.

Total:— 70.106

Forest Land

Sl. No.	Compartment No.	Range	Division	Area in Hectares	Remarks
1.	472(P), 473(P), 474, 475 & Protected Forest (P)	Baikunthpur	Korea	229.654	
2.	218(P)	Surajpur	South Surguja	8.250	
Total:—				237.904 Hectares	

Grand Total:— 308.01 Hectares (approximately)
OR 761.09 Acres (approximately)

Plot numbers to be acquired in village Khond (part).

1 to 22, 23(P), 24(P), 29/1(P), 30, 31, 32, 36(P), 37 to 43, 44(P), 46(P), 47(P), 49(P), 50, 51(P), 52 to 55, 56/1, 91(P), 750/1(P), 750/2 to 750/22, 750/24 to 750/28, 750/29(P), 750/30(P).

2. Plot numbers to be acquired in village Sorga (part).

1(P), 2, 3, 4(P), 5(P), 6(P), 7(P), 8(P),

3. Plot numbers to be acquired in village Temari (part).

1, 2, 3, 4, 5(P), 6(P), 7(P), 8(P), 13(P), 16(P), 17, 18, 19, 20(P), 21(P), 22(P), 23 to 29, 30(P), 31, 32, 33(P), 37(P), 50(P), 51(P), 54(P), 55, 56, 57—391, 58(P), 62(P), 63(P), 64(P), 65, 66(P), 67(P), 69(P), 70, 71(P), 72, 73(P), 74(P), 130(P).

Boundary Description :

A-M1	Line starts from point 'A' and passes in village Sorga through plot numbers 4, 5 and meets at point 'M1'.
M1-N1-A1-B1-C1	Line passes in village Sorga through plot numbers 5, 6. It then enters in village Khond passes through plot numbers 47, 51, 44, 36, northern boundary of plot number 33/1 then through plot numbers 29/1, 24, 23, 750/1, 750/30, 750/29 and meets at point 'C1'.
C1-D1-E1-F1-H1	Line passes in village Temari through plot numbers 33, 130, 37, 69, 67, 66, 54, 55, 51, 50 then passes in village Sorga through plot numbers 7, 5 and meets at point 'H1'.
H1-P15-P14-P13-P12	Line passes in village Sorga through plot numbers 5, 8 then enters in village Temari through plot numbers 58, 62, 64, 63, 73, 74, 71, 37, 30, 21, 22, 20, 13, 20, 16, 8, 7, 6, 5 then through Reserve Forest Compartment Numbers 475, 474 and meets at point 'P12'.
P12-P11-P10-P9	Line passes through Forest Compartment numbers 474, 218 and meets at point 'P9'.
P9-E3-E2-E1	Line passes through reserve forest compartment numbers 218, 473, 472 then through protected forest and meets at point 'E1'.
E1-E-D-C-B-A.	Line passes through protected forest then enters in village Khond through plot number 753 western boundary of plot numbers 93, 92, 90, and through plot numbers 91, 56 then along western boundary of plot numbers 57, 58, 48, 67 and meets at the starting point 'A'.

SCHEDULE—B (CONTINUED)

Revenue Land

Block—II

Mining Rights

Sl. No.	Name of Village	Patwari Halka No.	Tahsil	District	Area in Hectares	Remarks
1.	Khond	27	Baikunthpur	Surguja	54.448	part
2.	Badsara	8	Surajpur	Surguja	22.636	part
Total :					77.084	

Forest Land

Sl. No.	Compartment No.	Range	Division	Area in Hectares	Remarks
1.	472(P), 473(P) & Protected Forest (P).	Baikunthpur	Korea	151.486	
2.	215(P), 217(P), 218(P), 219(P), 220(P) & Protected Forest (P).	Surajpur	South Surguja	579.711	
Total :				731.197 hectares	
Grand Total:—		808.281 hectares (approximately)			
		OR 1997.25 acres (approximately)			

Plot number to be acquired in village Khond (part).

127, to 130, 131(P), 134 to 138, 139(P), 140 to 147, 148/4, 148/5(P), 148/6(P), 149 to 167, 168(P), 169(P), 170 to 172, 173(P), 174, 175, 176, 177(P), 178(P), 179(P), 189(P), 190(P), 191(P), 192 to 201, 202(P), 203, 204, 205(P), 206, 207, 208(P), 209, 219(P), 223(P), 245, 246, 247(P), 361(P), 336(P), 364(P), 365(P), 367(P), 368 to 379, 380(P), 381 (P), 382(P), 457(P), 458(P), 479, 460(P), 753.

Plot number to be acquired in village Badsara (part).

1 (P).

Boundary Description :—

P-O-N-M-L-K-J-I-H-G-F	Line starts from point 'P' in village Khond and passes along the western boundary of plot number 375 through plot numbers 3982, 381, 380, western boundary of plot numbers 379 371/2, 135, then southern boundary of plot number 134 then passes through plot numbers 131/1G, 131/1K, 131/1Kh, southern boundary of plot number 127 then western boundary of plot numbers 127, 128 through plot number 753 then through P.F. through R.F. compartment number 472 then through protected forest and meets at point 'F'.
F-F1-F2-F3	Line passes through protected forest then reserve forest compartment numbers 472, 473, 218 and meets point at 'F3'.
F3-P6-P5-P4-P3	Line passes through reserve forest compartment numbers 218, 215, 217, 219, 220 then turns southern direction through reserve forest compartment numbers 220, P.F. 220, 219 then enter in village Badsara through plot number 1 and meets at point 'P3'.

P3-P2P1-P

Line passes in village Badsara through plot number 1 then in village Khond through plot numbers 202, 247, 205, 208, 205, 219, 205, 223, 191, 190, 189, 173, 178, 177, 179, 169, 168, 361, 148/3, 363, 148/5, 139, 362, 364, 356, 367, 459, 460, 459, 458, 457, and meets at the starting point 'P'.

[No. 43015/2/89-LSW]

B.B. RAO, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 5 जून, 1990

क्र. अ. 1762—केन्द्रीय सरकार द्वारा चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप धारा (2) द्वारा दत्त शक्तिधर्मों का प्रयोग करने हुए, भारतीय दन्त चिकित्सा परिषद से परामर्श करने के बाद उक्त अधिनियम की अनुसूची में निम्नलिखित और संशोधन करने हैं, अर्थात्—

उक्त अनुसूची के भाग-1 में क्रम संख्या 32 और उससे संबंधित प्रविष्टियों के बाद, निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी, अर्थात्—

“33 डा.एम.जी.आर. मेडिकल यूनिवर्सिटी, तमिलनाडु, मद्रास	(i) दन्त शल्य चिकित्सा स्नातक	डॉ. डॉ. एम. डा. एम.जी. आर. मेडिकल यूनिवर्सिटी तमिलनाडु, मद्रास ।
	(ii) दन्त शल्य चिकित्सा स्नातकोत्तर-मुख शल्य चिकित्सा	एम. डॉ. एम. (मुख शल्य चिकित्सा) डा. एम.जी. आर. मेडिकल यूनिवर्सिटी, तमिलनाडु, मद्रास ।
	--परिदन्त विज्ञान	एम. डॉ. एम. (पेरियो.) डा. एम.जी. आर. मेडिकल यूनिवर्सिटी, तमिलनाडु, मद्रास ।
	--ऑपरेटिव दन्त चिकित्सा विज्ञान	एम. डॉ. एम. (ऑपरेटिव) डा. एम.जी. आर. मेडिकल यूनिवर्सिटी, तमिलनाडु, मद्रास ।
1	2	3
	--दन्त अकलांग विज्ञान	एम. डॉ. एम. (अकलांग) डा. एम.जी. आर. मेडिकल यूनिवर्सिटी, तमिलनाडु, मद्रास ।

24 दिसम्बर, 1987 को अथवा उसके बाद प्रदान की गई अर्हताओं को दन्त चिकित्सा अर्हता के रूप में मान्यता दी जाएगी

[सं. अ. 12017/9/89-ए.एस.]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 5th June, 1990

S.O. 1762.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendments in the Schedule to the said Act, namely :—

In Part I of the said Schedule, after serial number 32 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

“33. Dr. M.G.R. Medical University Tamil Nadu, Madras	(i) Bachelor of Dental Surgery B.D.S.	Dr. M.G.R. Medical University, Tamil Nadu, Madras.
	(ii) Msaster of Dental Surgery ---Oral Surgery	M.D.S. (Oral Surgery) Dr. M.G.R. Medical University, Tamil Nadu, Madras.

—Periodontology

M.D.S. (Perio.)
Dr. M.G.R. Medical
University,
Tamil Nadu, Madras

—Operative Dentistry

M.D.S. (Operative)
Dr. M.G.R. Medical
University,
Tamil Nadu, Madras

—Orthodontia

M.D.S. (Ortho.)
Dr. M.G.R. Medical
University,
Tamil Nadu, Madras.

These qualifications shall be recognised dental qualifications when granted on or after the 24th September, 1987."

[No. V-12017/9/89-PMS]

नई दिल्ली, 13 जून, 1990

पाद टिप्पण:-

का. धा. 1763.—केन्द्रीय सरकार दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रवृत्त पाठ्यक्रमों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची के भाग-1 में, क्रम संख्या 33 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्या और प्रविष्टियाँ अन्तः स्थापित की जाएंगी, अर्थात्:—

"34 कर्नाटक विश्वविद्यालय, दन्त शास्त्र चिकित्सा बी.बी.एस." धारवाड़ में डिग्री

यह अर्हता जब एक मई, 1989 को अथवा उसके पश्चात् प्रदान की गई हो तो मान्यताप्राप्त दंत चिकित्सा अर्हता होगी।

[संख्या बी. 12018/2/90—पी एम एस]

प्रार. श्रीनिवासन, सचिव

1. अनुसूची के भाग-1, में बाएं में निम्नलिखित द्वारा भर्तीकरण किया गया:—

1. का. धा. संख्या 1548, दिनांक 3 मई, 1988
2. का. धा. संख्या 2255, दिनांक एक जुलाई, 1988
3. का. धा. संख्या 79, दिनांक 22 दिसम्बर, 1988
4. का. धा. संख्या 2672, दिनांक 26 सितम्बर, 1989
5. का. धा. संख्या 3138, दिनांक 15 नवम्बर, 1989
6. का. धा. संख्या 3282, दिनांक 12 दिसम्बर, 1989
7. का. धा. संख्या 668, दिनांक 26 फरवरी, 1990
8. का. धा. संख्या 1502 दिनांक 3 मई, 1990

New Delhi, the 13th June, 1990

S.O. 1763:—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentist Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendments in the Schedule to the said Act, namely :—

In Part I of the said Schedule, after serial number 33 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

"34. Karnataka University, Bachelor of Dental Surgery. B.D.S." Dharwad.

This qualification shall be a recognised dental qualification when granted on or after 1st May, 1989.

[No. V-12018/2/90-PMS]

R. SRINIVASAN, Under Secy.

Foot Note:—

Part I of the Schedule was subsequently amended vide :—

1. S.O. number 1548 dated the 3rd May, 1988.
2. S.O. number 2255 dated the 1st July, 1988.
3. S.O. number 79 dated the 22nd December, 1988.
4. S.O. number 2672 dated the 26th September, 1989.
5. S.O. number 3138 dated the 15th November, 1989.
6. S.O. number 3282 dated the 12th December, 1989.
7. S.O. number 668 dated the 26th February, 1990.
8. S.O. number 1502 dated the 3rd May, 1990.

नई दिल्ली, 13 जून, 1990

MINISTRY OF SURFACE TRANSPORT

(Shipping Wing)

New Delhi, the 6th June, 1990.

S.O. 1765.—In exercise of the powers conferred by section 5 of the Seamen's Provident Fund Act, 1966 (4 of 1966), read with sub-paragraph (1) of paragraph 3 of the Seamen's Provident Fund Scheme, 1966, the Central Government hereby appoints Deputy Financial Adviser of the Ministry of Surface Transport in place of Controller of Accounts and makes the following amendment in the notification of the Government of India, Ministry of Surface Transport (Shipping Wing) No. 5757 dated 28-12-1985, namely :—

In the said notification, for serial number 2 and the entries relating thereto, the following shall be substituted, namely :

"2. Deputy Financial Adviser Ministry of Surface Transport—Government representative.

[File No. ST-14018/1/90-MT]

FAQIR CHAND, Under Secy.

भारत सरकार

नई दिल्ली, 8 मई, 1990

का. प्रा. 1766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में केन्द्रीय सरकार, पोस्टल डिपार्टमेंट जयपुर के प्रमुखता के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुसूची में विहित औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था

MINISTRY OF LABOUR

New Delhi, the 8th May, 1990.

S.O. 1766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Postal Deptt., Jaipur and their workmen, which was received by the Central Government.

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

माननीय न्यायाधीश श्री प्रताप सिंह यादव, आर. एच. जे. एच. केम सं. गी. आई. टी. 55/89

मध्य

श्री नथखान पुत्र श्री मदारवध द्वारा रमजान किराना स्टोर परबतसर जिला नागौर द्वारा बी. एम. बागडा, चांदपोल बाजार, जयपुर

—प्राचीं श्रमिक पक्ष

खताम

रट मास्टर जनरल, राजस्थान, जयपुर

2-मुपरिस्टैंडेंट, पोस्ट आफिसर, पो. नागौर, जिला नागौर, राजस्थान
रेक्रेमिंग मंत्रालय द्वारा 10(1)(च) ओ. वि. अधिनियम, 1947
उपस्थिति

प्राचीं श्रमिकों और से

श्री पी. एम. बागडा

अप्राचीं नियोजक की ओर से

कोई उपस्थित नहीं

दिनांक अगस्त:

2-11-89

अगस्त

भारत सरकार के श्रम मंत्रालय के डेस्क अधिकारी ने निम्न विवाद उनकी आशा में, एल. 40012/30/88 सी-2(बी) दिनांक 24-4-89 इस न्यायाधिकरण को वास्तु अधिनियमार्थ अंतर्गत धारा 10(1)(च) औद्योगिक विवाद अधिनियम 1947, जिसे तत्पश्चात् अधिनियम लिखा जाएगा, भेजा है :—

"Whether the action of the management of Postal Department, Jaipur is justified in terminating the services of Nath Kha Mail peon w.e.f. 6th February, 1963 without paying him retrenchment compensa-

का. प्रा. 1764.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद अधिनियम 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात्, उक्त अधिनियम की पञ्चमी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची में महर्षि दयानन्द विश्वविद्यालय शोधक के नीचे निम्नलिखित प्रविष्टियाँ जोड़ी जाएगी, अर्थात्:—

(डॉक्टर आफ मेडिसिन) एम. ड. (ट्यूबरकुलोसिस एण्ड रेनिफेरेटरी डिमोसिस)
(ट्यूबरकुलोसिस एण्ड रेनिफेरेटरी डिमोसिस)

(क्षय रोग और श्वसन बीमारियाँ)

यक्ष्मा और यक्ष्म रोगों में छिपचोमा बी. टी. सी. बी

[संख्या गी. 11015/4/90—एम. ई. (पी.)]

एच. एन. यादव, डेस्क अधिकारी

New Delhi, the 13th June, 1990.

S.O. 1764.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule, under the heading "Mahorishi Dayanand University", the following entries shall be added at the end, namely :—

Doctor of Medicine Tuberculosis M. D. (Tuberculosis and
AND
Respector Diseases) Respiratory Diseases)
Respiratory Disease) Respiratory Diseases)
and Chest Diseases.

[No. V. 11015/4/90-ME (P)]

H. N. YADAV, Desk Officer.

जल-भूतल परिवहन मंत्रालय

(नौवहन पक्ष)

नई दिल्ली, 6 जून, 1990

का. प्रा. 1765.—वार्षिक भविष्य निधि स्कीम, 1966 के पैराग्राफ 3 के उप पैराग्राफ (1) के साथ एडिड वार्षिक भविष्य निधि अधिनियम 1966 (1966 का 4) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतद्वारा, लेखा नियंत्रक के स्थान पर जल-भूतल परिवहन मंत्रालय का उप वित्तीय सहायक नियुक्त करती है और भारत सरकार, जल-भूतल परिवहन मंत्रालय (नौवहन पक्ष) का अधिसूचना संख्या 5757 दिनांक 28-12-1985 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रम संख्या 2 और उसमें संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

2 उप वित्तीय सहायक सरकार का
जल-भूतल परिवहन मंत्रालय प्रतिनिधि

[फाइल नं. एल. टी-14012/1/90-एम टी]

फकीर चन्द, अवर सचिव

tion when he has completed more than one year of service? If not, to what relief is the workman entitled?"

बाद प्राप्ति निर्देशन इसे इस न्यायाधिकरण में पंजीकृत किया गया और उभय पक्षकारण को नोटिस जारी किए गए। बाद प्राप्ति नोटिस नथू खां पुत्र श्री नदार बख्श जिसे तत्पश्चात् प्राथी श्रमिक लेखा आयोग ने निम्न स्टैंटमेंट आफ क्लेम इस न्यायाधिकरण में प्रस्तुत किया है। य कि प्राथी श्रमिक की नियुक्ति अप्राधिगण नियोजक के अधीन दैनिक बेतन पर काम करने के लिए दिनांक 7-1-87 को की गई थी। यह नियुक्ति मेल पिघोन के पद के लिए चयन दिनांक 12-12-87 को किया गया था उसके पश्चात् प्राथी श्रमिक का पदस्थापन बालो मरा किया जिसके लिए उसे 3-1-88 को रिज्यू किया गया एवं प्राथी का पदस्थापन 14-2-68 को छोटी खाट में काम करने के लिए किया गया तत्पश्चात् 18-12-68 के विरुद्ध एक मिथ्या शिकायत दर्ज कराई गई जिसके लिए न तो कोई आरोप पत्र दिया गया न ही उसके विरुद्ध जांच की और दिनांक 6-8-89 के आदेश द्वारा इन्स्पेक्टर पोस्ट आफिस डोडवाना में प्राथी श्रमिक को सेवा से अलग कर दिया। स्टैंटमेंट आफ क्लेम में यह भी व्यक्त किया कि प्राथी श्रमिक के विरुद्ध भारतीय डाक अधिनियम की धारा 52 के तहत कार्यवाही करने की रिपोर्ट थाना डोडवाना में दर्ज कराई। जिस पर प्राथी श्रमिक के विरुद्ध न्यायिक मजिस्ट्रेट प्रथम डोडवाना के यहाँ एक फौजदारी प्रकरण सं. 121/74 चला। उस प्रकरण में प्राथी श्रमिक को 20-1-83 को आदेश द्वारा बरी कर दिया गया। जब प्राथी श्रमिक को फौजदारी न्यायालय ने बरी कर दिया तो तत्पश्चात् उस आदेश की नकल लेकर नियोजक अप्राधिगण के यहाँ वह इयूटी ज्वॉर्डन करने गया और वह उसने सूचित किया कि प्राथी श्रमिक को फौजदारी न्यायालय ने बरी कर दिया है इसलिए उसको पुनः सेवा में बहाल किया जाए और इयूटी पर लिया जाए।

3. आगे यह भी व्यक्त किया कि दिनांक 20-1-83 के निर्णय के साथ अप्राथी पोस्ट मास्टर जनरल, जयपुर को उसने अपील पेश की लेकिन 17-12-84 को प्राथी श्रमिक की अपील थारिज कर दी तथा प्राथी को अपना पक्ष प्रस्तुत करने का मौका नहीं दिया तत्पश्चात् प्राथी ने 12-10-87 को सहायक श्रम आयुक्त केन्द्रीय जयपुर के यहाँ अधिनियम की धारा 2(ए) के यहाँ प्रार्थना पत्र प्रस्तुत किया जिस पर दोनों पक्षों को बुलाया गया परन्तु समझौता नहीं हो सका और सहायक श्रम आयुक्त ने अमफल बार्त प्रतिवेदन भारत सरकार को 11-5-88 को भेजा तत्पश्चात् जरिए पत्रिपत्र स. ज. पी. 21/87 दिनांक 24-4-89 विवाद को इस न्यायाधिकरण को बास्ते अधिनियोगार्थ भेजा।

4 प्राथी श्रमिक की ओर से निम्न अप्राथी पर उसकी सेवा समाप्ति का आदेश निरस्त करने और उसे पुनः सेवा में बहाल किए जाने के लिए कारण लिखे। यह कि प्राथी श्रमिक को बिना कारण बताए इन्स्पेक्टर पोस्ट आफिस डोडवाना ने 6-2-89 से सेवा से अलग कर दिया वह कार्यवाही धारा 25 (एफ) अधिनियम की रूढ़ से प्रवेध है। प्राथी श्रमिक से जाहिर किया कि उसने 7-1-67 से अप्राथी के यहाँ काम करना प्रारम्भ किया और दिनांक 6-2-69 तक निरन्तर एक क्लेण्डर वर्ष 240 दिन से अधिक कार्य किया। अप्राथी श्रमिक को सेवा से मुक्त करने से पूर्व एक माह का नोटिस नहीं दिया इस प्रकार धारा 25 एफ का पालन नहीं किया गया। प्राथी को सेवा समाप्ति करने से पूर्व छटनी का मुआयजा नहीं दिया गया। प्राथी जब सेवा से हटाया गया तो उस समय प्राथी श्रमिक से कनिष्ठ कई व्यक्ति काम पर रहे इस प्रकार पहले आए पीछे जाए के सिद्धान्त का बालन नहीं किया गया न ही प्राथी श्रमिक के विरुद्ध कोई बुरावरण का आरोप पत्र दिया गया और न ही जांच की। इस प्रकार प्रार्थना की कि प्राथी को 6-2-69 को सेवा से पुषक करने का आदेश दिया उस निरस्त किया जाए। प्राथी के सेवाकाल को निरन्तर माना जाए और अन्य कोई भी मुझीद राहत दिलाई जाए।

5. अप्राथी नियोजक पर बाबजूद नोटिस तामील हो जाने के कोई उपस्थित नहीं आया इस कारण से अप्राथी नियोजक के विरुद्ध जरिए आजा दिनांक 15-7-89 को इतरका कार्यवाही करने की आज्ञा पारित

की गई। प्राथी श्रमिक की ओर से प्रवेश डब्ल्यू-1 लगायत डब्ल्यू-10 प्रस्तुत किए एवं एकतरफा साथ में नथूखां श्रमिक ने स्वयं का शपथपत्र प्रस्तुत किया जिसे इस न्यायाधिकरण द्वारा सत्यापित किया गया।

6. इस न्यायाधिकरण के समक्ष यह विश्वनीय प्रश्न है कि आया प्राथी नथू खां सेवा समाप्ति दिनांक 6-2-69 से पूर्व एक क्लेण्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था और क्या उसकी सेवा समाप्ति धारा 25(एफ) अधिनियम के उल्लंघन में की गई? इस संबंध में प्राथी श्रमिक के शपथ पत्र से जिनका कि कोई प्रतिवाद पेशावली पर नहीं है यह प्रमाणित होता है कि प्राथी श्रमिक नथू खां की नियुक्ति दैनिक बेतन भोगी कर्मचारी के रूप में 7-1-67 को की गई उसके पश्चात् उसका चयन बतौर मेल पिघोन के दिनांक 12-12-67 को किया गया जिसकी सम्पुष्टि प्रदर्श डब्ल्यू 1 से होती है। तत्पश्चात् उसको पदस्थापन बालोतरा में 3-1-68 को मेल पिघोन के पद पर किया गया यह पदस्थापन लीब बैकेन्सी के विरुद्ध था उसके पश्चात् प्राथी श्रमिक का पदस्थापन 14-2-68 को छोटी खाट में किया गया और जिसकी सम्पुष्टि प्रदर्श डब्ल्यू-2 से होती है। तत्पश्चात् प्राथी श्रमिक को इन्स्पेक्टर पोस्ट आफिस डोडवाना ने जरिए आजा दिनांक 6-9-69 को सेवा से मुक्त किया। प्राथी श्रमिक की पदस्थापन 16-2-68 को छोटी खाट में की गई इसकी सम्पुष्टि प्रदर्श डब्ल्यू-8 जो जवाब समझौता अधिकारी के समक्ष अप्राथी नियोजक की ओर से पेश किया गया है उससे होती है। इस प्रकार प्राथी ने जो छोटी खाट में 16-2-68 से कार्य किया उससे पहले बालोतरा में एक माह कार्य किया और उससे भी पूर्व बतौर दैनिक बेतन भोगी श्रमिक के रूप में भी कार्य किया उस पीरियड की गणना करते हुए उसकी सेवा समाप्ति जो 6-2-69 को की गई इस तारीख से एक वर्ष पूर्व में निश्चित रूप से 240 दिन उसके द्वारा निरन्तर कार्य करना प्रमाणित होता है। और इस प्रकार वह सेवा समाप्ति से पूर्व एक क्लेण्डर वर्ष में 240 दिन से अधिक निरन्तर कार्य करने वाला औद्योगिक कर्मकार हो गया था इस प्रकार 240 दिन सेवा समाप्ति से पूर्व एक क्लेण्डर वर्ष में कार्य कर लेने के बाद जो उसकी सेवा समाप्ति दिनांक 6-2-69 को की गई वह उस समय उसके शपथ पूर्वक बयान से यह जितित होता है कि सेवा समाप्ति के समय उसे न तो एक माह का नोटिस दिया गया न ही छटनी का मुआयजा दिया गया और इस प्रकार धारा 25(एफ) औद्योगिक विवाद अधिनियम 1947 का उल्लंघन किया जाना प्रमाणित होता है। प्राथी के द्वारा प्रस्तुत किए गए प्रलेखों से यह स्पष्टतः जाहिर है कि प्राथी के विरुद्ध धारा 52 भारतीय डाक अधिनियम के तहत चालान पेश किया गया उसमें उसे सुनिष्क एवं न्यायिक मजिस्ट्रेट डोडवाना ने जरिए आजा दिनांक 20-1-86 द्वारा दोषमुक्त कर दिया था इस प्रकार उसके विरुद्ध जो धारा 52 भारतीय डाक अधिनियम का आरोप लगाया था वह प्रमाणित नहीं हुआ है। इस न्याय निर्णय के पश्चात् उसे पोस्ट मास्टर जनरल राजस्थान सिकिल जयपुर के जरिए प्रवेश डब्ल्यू-6 अपील की जो आजा प्रवेश डब्ल्यू-5 के जरिए 17-12-84 को निरस्त की गई। इन अपील आदेश से भी ऐसा कुछ जाहिर नहीं होता है कि अपील अधिकारी पोस्ट मास्टर जनरल राजस्थान सिकिल जयपुर ने प्राथी के केस को गुणावगुण के आधार पर गौर किया हो और स्वायमंगल फैमला दिया हो। प्राथी के द्वारा पेश किए गए प्रलेख से यह स्पष्ट है कि प्राथी श्रमिक ने जरिए प्रवेश डब्ल्यू-7 सहायक श्रम आयुक्त केन्द्रीय अजमेर को अपना प्रार्थना पत्र रिक्मनीलेशन के लिए प्रस्तुत किया जिसका जवाब अप्राथी नियोजक की ओर से जरिए प्रदर्श डब्ल्यू-8 द्वारा दिया गया और समझौता अधिकारी ने फैलियर रिपोर्ट प्रदर्श डब्ल्यू-9 द्वारा केन्द्रीय सरकार को प्रस्तुत की जहाँ से यह विवाद श्रम मंत्रालय नई दिल्ली से इस न्यायाधिकरण को पेश किया गया। चूंकि प्राथी श्रमिक की सेवा समाप्ति धारा 25 एफ के उल्लंघन में की गई है इसलिए प्राथी पुनः सेवा में बहाल होने योग्य है। अतः इतरफा अवाज प्राथी के पक्ष में निम्न प्रकार किया जाता है :

यह कि डाक विभाग जयपुर के प्रभाव तंत्र द्वारा प्राथी श्रमिक नथू खां डाक पिघोन को सेवा समाप्ति दिनांक 6-2-69 को बिना छटनी

मुआवजा दिए जाने के अनुज्ञित एवं अवैध है। प्रार्थी श्रमिक की सेवा समाप्ति का आदेश प्रदर्श इन्क्यू-3 निरस्त किया जाता है, एवं इसके फलस्वरूप आदेश प्रदर्श इन्क्यू-5 भी निरस्त किया जाकर प्रार्थी श्रमिक सेवा समाप्ति की तिथि दिनांक 6-2-69 से उनकी पूर्ववत् अपने पूर्ण पद पर व वेतन पर नहाल होने का अधिकारी पाया जाता है। दिनांक 6-2-69 से सेवा में बहाल किए जाने की तिथि तक उसकी सेवा निरन्तर मानी जाएगी और इस कुवधि के दौरान जो देय वेतन भत्तों सहित होगा वह एन्विर के रूप में देय होगा। इस दौरान में यदि अन्य कोई लाभ अर्जित हुए हों वह भी वह पाने का अधिकारी होगा अवाइडेंस्क्तरफा में पारित किया जाता है। अतः अवाइड की प्रतिनिधि वास्ते प्रकाशनार्थ केन्द्रीय सरकार की अंतर्गत धारा 17(1) अधिनियम भेजा जाये।

प्रताप सिंह यादव, न्यायाधीश
हरि सिंह, डेस्क अधिकारी

[सं. एल-40012/30/88-डी II(पी) (पीटी)]

नई दिल्ली, 1 जून, 1990

का. मा. 1767.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में केन्द्रीय सरकार एम्. पी. स्टेट माइनिंग कारपोरेशन लि., सतना प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुवध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

New Delhi, the 1st June, 1990

S.O. 1767.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M. P. State Mining Corporation Ltd., Satna and their workmen, which was received by the Central Government on 31-5-1990.

BEFORE SHRI V. N. SHUKLA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)
CASE NO. CGIT/LC(R)(36)/1988

PARTIES :

Employers in relation to the management of M. P. State Mining Corporation Ltd., Satna and their workmen
Shri Ramgopal, Chowkidar represented through the
General Secretary, Satna Stone & Lime Workers
Union, 79/10, Krishna Nagar, Satna (M.P.)

APPEARANCES :

For Workman/Union : Shri C. S. Tiwari.
For Management : Virendra Singh Bisen, Advocate.

INDUSTRY : Mining. DISTRICT : Satna (M.P.)

AWARD

Dated, May 18th, 1990.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. 3(7)/86-Con. II/D. III(B) dated 12-3-1988, for adjudication of the following dispute :—

“Whether the action of the management of M.P. State Mining Corporation Ltd., Satna in imposing the penalty of removal from service on Shri Ramgopal, Chowkidar w.e.f. 27-4-1985 is justified? If not, to what relief the workman concerned is entitled to?”

2. In the instant case, the management neither filed a statement of claim despite repeated adjournments granted to them as in evident from the proceedings dated 15-11-1989, but also didnot participate in further proceedings and the case proceeded ex-parte against them on 18-12-1989.

3. The case of the workman in brief is that he was serving as a Chowkidar with the management. He was at times posted at the Satna Office and sometimes at Bamhore Limestone Mines. He was paid daily wages at the rate of Rs. 12.25 P. On 29-11-1984 when he was on duty as a Chowkidar in the Office, one Shri Sekhlal alias Lallu brought one dumper no CPC 8204 at about 10.30 p.m. and left it there. The workman found that the bonut of the dumper was not locked. He made enquiry from Shri Sekhlal as to why the bonut is not locked. Shri Sekhlal told him that the lock has been left in the garrage. He was on duty from 10.00 p.m. to 6.00 a.m. He handed over the charge to one Chakorilal. At that time there was nothing wrong anywhere. At 7.30 a.m. while he was going home Chakorilal came to him and told him that the instruments kept in the bonut of the dumper were not found there. He was accordingly charge-sheeted and held guilty. Thereafter he was dismissed.

4. According to the workman, his order of suspension dated 30-11-1984 was unlawful inasmuch as he was not paid the suspension period allowance. It was said that diesel Pump, two Search Light and the Radiator had been stolen. Despite the fact that the above charge was false, the suspension order was not set aside. The departmental enquiry was not held within three months as required by law. The enquiry was made by an ordinary clerk and the competent officer was not appointed as Enquiry Officer in this case despite his objection. Though the objection in this regard was raised but to no effect. In fact, General Secretary, Satna Stone Mine Workers Union, was appointed by the workman to plead on his behalf in the departmental enquiry, but he was not permitted to do so and as such the enquiry was unlawful. That the dumper driver was directly responsible for the said theft. The enquiry was also not held properly inasmuch as instead of examining prosecution witnesses the workman was first examined. The workman was also not supplied with the copies of witnesses nor the copy of the order. He was also not given show cause notice and hence his termination from service is illegal. He is, therefore, entitled to reinstatement with full back wages.

5. It is a settled principle of law that when the other party has not come before the Court the burden of proof lays heavier on the party making its claim. The workman has proved five documents Ex. W/1 to Ex. W/5, and has examined himself. He has also filed an affidavit of Shri Chandra Shekher Tiwari in support of his case.

6. From the pleadings and evidence it can be stated that it is not in dispute that certain articles as alleged were stolen. The only question is whether they were stolen during the duty hours of the workman concerned.

7. From the pleadings of the workman it self it is apparent that it was his duty to look after the property during the hours of his duty on the alleged date of incident. It is very pertinent to note that as per para 11 of the statement of the workman, when the dumper was brought, the bonut of the dumper was not locked and this fact was brought to the notice of the driver, Shri Sekhlal alias Lallu by the workman. While the workman in para 2 of his deposition says that when he had handed over the charge after his duty was over he found that the lock of the bonut was not broken and nothing was stolen at that time. It follows that according to him no theft as alleged took place during his duty hours as Chowkidar.

8. But in view of the inconsistent plea of the workman, who firstly states that there was no lock in the bonut when the dumper was brought, as per para 11 of the statement of claim, while in his deposition he subsequently says that when he had handed over the charge the lock in the bonut was not broken, defence of workman becomes unreliable.

9. It clearly follows that when the dumper was brought the bonut was locked but it was subsequently broken and the articles were stolen. Thus irrespective of the fact, whether the departmental enquiry was valid or not it can be safely inferred without any doubt from the evidence before this Court that the alleged theft took place during the duty hours of the workman concerned and as such he was guilty of misconduct and has been rightly & adequately punished by

the management for the misconduct is grave one. I therefore hold and answer the reference as under :—

That the action of the management of M.P. State Mining Corporation Ltd., Satna in imposing the penalty of removal from service on Shri Ramgopal Chowkidar w.e.f. 27/4/1985 is justified. He is not entitled to any relief. No order as to costs. Awarded accordingly.

V. N. SHUKLA, Presiding Officer.

[No. L-3(7)/86-Con. II/D. III (B)]

नई दिल्ली, 4 जून, 1990

का. सा. 1768.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माइन्स लि., के. जी. एफ. के प्रबंधन में संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-6-90 को प्राप्त हुआ था।

New Delhi, the 4th June, 1990

S.O. 1768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Ltd., K.G.F. and their workmen, which was received by the Central Government on 1-6-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated 29th May, 1990

PRESENT :

Shri M. B. Vishwanath, B.Sc., LL.B., Presiding Officer.
Central Reference No. 85/89

I PARTY :

Shri Mohanraj C/o B.G.M. Employees' Union Maili-uppam P.O. KGF-563 119.

Vs.

II PARTY :

The Managing Director, Bharat Gold Mines Ltd., Oorgaum P.O. KGF-563 120.

APPEARANCES :

For the I Party—No Representation—In person.

For the II Party—Shri K. J. Shetty, Advocate.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government has been pleased to refer the following dispute for adjudication by this Tribunal.

2. The dispute referred to for adjudication is :

"Whether the dismissal of Sri Mohanraj, Blacksmith, T. No. 128 of Champion Reef Workshop with effect from 20-01-89 by the management of Bharat Gold Mines Limited, KGF is justified. If not, what relief Sri Mohanraj is entitled to?"

3. The allegations against the I party workman are :—

The I party Shri R. Mohanraj was employed as a Blacksmith in the Champion Reef Workshop of B.G.M.L. On 5-9-88 at about 1.50 p.m. the S. D. Watchman Shri Ransingh T. No. 461 was searching Shri Selvaraj T. No. 635, suspecting that Shri Selvaraj had hidden something in his

back portion near the hip. Shri Selvaraj was taken to gate Clerk's room. Shri Dharamraj T. No. 366 SD Watchman on duty came to help the above said Sri Ransingh. Shri Ransingh took Shri Selvaraj inside the gate Clerk's room. The above said Shri Dharamraj was guarding outside after locking the door. At this point of time, the I party Mohanraj went to the gate clerk's room, overpowered watchman Dharamraj and opened the door by breaking the lock. After breaking the lock, the I party Mohanraj went inside the room and assaulted Ransingh who was holding Selvaraj. After assaulting Sri Ransingh, the I party Mohanraj removed a brass ball which was hidden and by Selvaraj and ran out of the room.

4. On the basis of the above allegations, the I party Mohanraj, after domestic enquiry, was dismissed by the I party on 20-1-89.

5. It is obvious that conciliation failed and thereupon the Central Government was pleased to refer the above said dispute for adjudication by this Tribunal.

6. After reference was made by the Hon'ble Central Government, the case was registered and notice were sent to the parties. The notice has been served on the I party. It is clear from the order sheet that he was present before the Tribunal on some occasions.

7. The I party Mohanraj has filed his letter dated 16-2-1990. In this letter he has clearly stated that he does not like to pursue the matter. The I party workman has filed another letter dated 17-2-1990. In this letter, he has stated that the management has agreed to reconsider his case and so he has prayed that he wants to withdraw the dispute.

8. I have referred to the two letters filed by the I party workman. It is abundantly clear that he does not want to pursue the dispute which has been referred to by the Hon'ble Central Government to this Tribunal. In view of this, this Tribunal has no option but to reject the reference. Accordingly an award shall be passed rejecting the reference. Ordered accordingly.

M. B. VISHWANATH, Presiding Officer
[No. L-43012/11/89-IR (Misc.)]

नई दिल्ली, 12 जून, 1990

का. सा. 1769.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट मास्टर जनरल, बम्बई सर्किल के प्रबंधन में संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

New Delhi, the 12th June, 1990

S.O. 1769.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post Master General, Bombay Circle and their workmen, which was received by the Central Government on 31-5-90

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (82)/88

PARTIES :

Employers in relation to the management of Superintendent, Post Office, Wardha Division, Wardha (M.S.) and their workman, Shri Satyanarain Rameshwar Pandey, represented through the Working President, All India P&T Employees Federation, Giratna, 62, Old Subedar Layout Extension, Nagpur-440024 (M.S.)

APPEARANCES :

For workman—None.

For Management—Shri N. S. Sate.

INDUSTRY : P&T.

DISTRICT : Wardha (M.S.)

AWARD

Dated : May 18, 1990

This is a reference made by the Central Government Ministry of Labour, vide its Notification No. L-40012/39/87-D.II(B) dated 22nd July, 1988, for adjudication of the following dispute:—

“Whether the action of the Post Master General, Bombay Circle, Maharashtra in not promoting Shri Satyanarain Rameshwar Pandey vide their Office Order No. B. 8-16/2 dated 18-4-84 on the post of Lower Selection Grade, Postal Assistant, with effect from 30-11-83 is justified? If not, to what relief the concerned workman is entitled?”

2. This reference order was received on 1-8-1988 and parties were noticed to file their respective statement of claim. Neither the workman concerned nor anyone on behalf of the Union appeared before this Court on 31-8-88, 11-10-88, 7-11-88, 21-11-88, 27-12-88, 2.2.89, 15.3.89, 12.4.89 and 20-11-89 in spite of notice sent by this Court, nor filed any statement of claim. On 15-3-1989 management sent by post its statement of claim in which it is stated that consequent on the settlement of dispute the applicant Shri Satyanarayan Rameshwar Pande, has been considered to have been promoted to Lower Selection Grade with effect from 22-8-83 notionally and that the arrears of increased pay and allowances for the period from 29-11-83 to 30-6-87 (i.e. upto date of retirement) amounting to Rs. 2555.10 (Rs. Two thousand five hundred fifty five paise ten only) were drawn and paid to the applicant on 21-3-1988 before the Presiding Officer, 1st Labour Court, Nagpur.

3. There is an application dated 26-11-1988 (received by post on 2-12-88) on record purported to have been sent and signed by Shri A. S. Bhagat, Working President, A.I.P.T.E.F. Nagpur intimating this Court that the reference has been departmentally settled and the workman has been promoted to L.S.G. with all arrears of back wages and consequential benefits vide Postmaster General, Bombay Memo Order No. Staff-A/87/C-28/85, dated 9th February, 1988. As such the case deserved to be treated as withdrawn/closed.

4. In view of the above pleadings of the parties there is no dispute left for adjudication by this Court and the reference order has become infructuous. Award is made accordingly. No order as to costs.

18-5-90.

V. N. SHUKLA, Presiding Officer

[No. L-40012/39/87-D.II(B)]

का. प्र. 1770.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सेन्ट्रल इन्स्टीट्यूट आफ हार्टीकल्चर फार नार्थन प्लेन्स के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

S.O. 1770.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Institute of Horticulture for Northern Plains and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 100/89

In the matter of dispute between :

The Director Central Institute of Horticulture for
Northern Plains, B-217 Indra Nagar, Lucknow.

AND

Joint Secretary, Krishi Karamchahi Sabha, 1-Abdul Aziz
Road, Lucknow.

AWARD

1. The Central Government, Ministry of Labour vide its notification no. L-42011/25/87-D.2(B) dated 22-3-88 has referred the following dispute for adjudication to this Tribunal:

Kyay Nideshak Central Institute of Horticulture for
Northern Plains, Lucknow ke prabandhtantia ki
S/Shri Ram Kumar aur Asharfi Lal ki 29-9-86 se
sewawyen samapt karne ki karwahi nayochit hai
Yadi nahi to Sambandhit karamkar kis Anutosh ke
Haqdar hai aur kis tareekh se?

2. In the instant case 9-2-90 was fixed for filing of affidavit evidence but on the oral prayer of the authorised representative of the Union the case was adjourned to 16-3-90. From 16-3-90 till 30-4-90 no affidavit evidence was filed by the Union. In fact on 30-4-90 none appeared from the side of the union to press their claim. It seems that neither the workmen nor the Union is interested in prosecuting the case. As such a no claim award is given against the Union/Workmen.

3. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-42011/25/87-D.II(B)]

का. प्र. 1771.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 37 के अनुसूचन में, केन्द्रीय सरकार सेन्ट्रल इन्स्टीट्यूट आफ हार्टीकल्चर फार नार्थन प्लेन्स के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 31-5-90 को प्राप्त हुआ था।

S.O. 1771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Institute of Horticulture for Northern Plains and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 65 of, 1989

In the matter of dispute between :

Joint Secretary, Krishi Karamchahi Sangh, 1 Abdul Aziz
Lane Lucknow.

AND

The Director, Central Institute of Horticulture, P.O.
Ram Sagar Misra Nagar, Lucknow-16.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-42011/9/87-D.2(B) dated 7-3-89, has referred the following dispute for adjudication to this Tribunal—

Whether the Director, Central Institute of Horticulture for Northern Plains, Lucknow was justified in not granting Adhoc Bonus to daily rated workers for the year: 1982-83 to 1985-86? If not to what relief the workman Shri Govind Prasad and 27 others as per list were entitled?

2. In the instant case on 9-2-90, rejoinder was filed by Shri M. Shakeel, the authorised representative for the Union thereupon, the case was fixed for filing of affidavit evidence on behalf of the Union for 16-3-90. From 16-3-90 till 30-4-90 no affidavit evidence was filed on behalf of the Union. Thus it appears that neither the Union nor the workmen are interested in prosecuting their case. As such a no claim award is given against the Union/workmen.

3. Reference is, therefore, answered accordingly/.

ARJAN DEV, Presiding Officer
[No. L-42011/9/87-D.II(B)]

का. भा. 1773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे, लखनऊ के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 का प्राप्त हुआ था।

S.O. 1772.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 43 of 1980

In the matter of dispute between :

The Divisional Secretary, Uttar Railway Karamchhari
Union 39-II-J, Multistoreyed Colony Charbagh,
Lucknow.

AND

Dy. Chief Mech. Engineer, C & W Workshop, Northern
Railway Alambagh, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41012/86/89-D-2(B) dated 15-1-90 has referred the following dispute for adjudication to this Tribunal—

Whether the Dy. CME C&W Shop, Northern Rly, Lucknow was justified in not regularising Shri Jagat Narain Mishra against 25 per cent quota for promotion. If not, what relief the workman was entitled to ?

2. In the instant case on 14-3-90, Shri B D Tewari, authorised representative for the Union orally prayed for time to file claim statement on behalf of the Union and the case was fixed on 9-4-90, after acceding the oral prayer of Sh. Tewari. On 9-4-90, Shri D. P. Awasthi for the Union and Shri Ravi Jauhari for the management were present. Shri Awasthi moved an application, in the capacity of Asstt. General Secretary, Uttar Railway Karamchhari Union, with the prayer that the case be closed, on the ground that the workman had left Lucknow and also he does not seem to be interested in the case.

3. Thus in view of the application moved by Shri D. P. Awasthi, the case is closed and a no claim award is given against the Union/workman, in the light of the facts stated in the application dt. 9-4-90 of Shri Awasthi.

4. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-41012/86/89-D.II(B)]

का. भा. 1773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 का प्राप्त हुआ था।

S.O. 1773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workman, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 321 of 1989
In the matter of dispute between :

Divisional President, Uttar Railway Lucknow.

AND

Divisional Mechanical Engineer, Northern Railway
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-41012/41/89-D.2(B) dated 13-12-89, has referred the following dispute for adjudication to this Tribunal :—

Whether the Sr. Divisional Mechanical Engineer Northern Railway Lucknow was justified in terminating the services of Shri Dinesh Narain Son of Sarjoo Prasad w.e.f. 7-8-83 If not, what relief the workman was entitled to ?

2. In the instant case first date for filing of claim statement was 23-1-90. Since on 23-1-90 the P.O. was on tour as such the case was fixed for 9-2-90 for claim statement. On 9-2-90 Shri B. D. Tewari appeared on behalf of the Union and requested orally for time to file claim statement. The case was adjourned to 16-3-90 and again on 16-3-90 on the oral prayer of Shri Tewari the case was adjourned to 20-4-90. On 20-4-90 till 2.00 p.m. none appeared from the side of the Union/workman nor the Union/workman filed any application or claim statement. If therefore, appears that the Union/workman is not interested in prosecuting his claim/case. Therefore, in the circumstances of the case a no claim award is given against the Union/workman.

3. Reference is answered accordingly against the Union/workman.

ARJAN DEV, Presiding Officer
[No. L-41012/41/89-D.II(B)]

का. भा. 1774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रीजनल आर्किटेक्ट (टेलीकॉम) के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-90 का प्राप्त हुआ था।

S.O. 1774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Regional Architect (Telecom) and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 307 of 1989

In the matter of dispute between
The Regional Architect(P)
Doorsanchar
15 Ashok Marg Lucknow

AND

Member General Council
National Federation of Post & Telegraph Employees
4/3 P & T Colony Aishbagh Lucknow

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-40012/9/89-D.II(B) dated 5-12-89, has referred the following dispute for adjudication to this Tribunal :

Whether the Regional Architect (Telecom) Lucknow was justified in terminating the services of Sh. Sri Chand, Khalasi w.e.f. 6-4-88 ? If not, to what relief the workman was entitled to ?

2. In the instant case till 20-4-90 no claim statement was filed by the workman despite issue of notices dated 18-12-89 and 2-4-90 fixing cases for 23-1-90 and 20-4-90 respectively. In between 23-1-90 and 20-4-90 dates 9-3-90 and 16-3-90 were also given in the case for filing of the claim statement but on all the date none appeared from the side of the workman of file claim statement.

3. Ultimately on 20-4-90, when none appeared nor moved any application on behalf of the workman it was ordered that a no claim award be sent to the Government for its publication on the ground that it seems that the workman is not interested in prosecuting his case.

4. Thus in view of the facts and circumstances stated above, I give a no claim award against the Union/Federation/Workman.

5. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-40012/9/89-D.II(B)]
V. K. SHARMA, Desk Officer

नई दिल्ली, 1 जून, 1990

का. प्र. 1775.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंगरेनी कोयली कम्पनी लि. रामाकृष्णापुर, ऐडिलाबाद जिला, के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करनी जो केन्द्रीय सरकार को 31 मई, 1990 को प्राप्त हुआ था।

New Delhi, the 1st June, 1990

S.O. 1775.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd., Ramakrishnapur (Adilabad Distt.) and their workmen, which was received by the Central Government on 31-5-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD
PRESENT :

Sri. K. Taranadh, B. Com., B.L., Industrial Tribunal.
Dated, 24th May, 1990

Industrial Dispute No. 42 of 1989

BETWEEN :

The Workmen of Singareni Collieries Company Limited,
Ramakrishnapur, Adilabad District (A.P.).

AND

The Management of Singareni Collieries Company
Limited, Ramakrishnapur, Adilabad District.

APPEARANCES :

1. None—for the Workmen.
2. S/Shri K. Srinivasa Murthy, Miss G. Sudha, Mrs. Mitra Dass and V. Usha Rani, Advocates—for the Management.

AWARD

Government of India, in the Ministry of Labour, New Delhi, by its Order No. L-22012(199)[88-D.IV.B., dated June, 1989, referred to this Industrial Tribunal at Hyderabad, an industrial dispute between the management of S. C. Company Limited, Ramakrishnapur and their Workmen in respect of the matters specified in the Schedule to the reference under clause (d) of sub-section (1) of Section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for adjudication with a direction to submit award within a period of 3 months.

The Schedule

"Whether the action of the management of M/s. S.C. Co., Ltd., Ramakrishnapur Area in denying promotion to Sri B. Nambaiah as Wagon Shunting Muccadam in CSP-II. RKP. is justified ? If not, to what relief the workman concerned is entitled ?"

The reference was registered as Industrial Disputes No. 42 of 1989 in this Tribunal. Notices were issued to the Vice-President, S.C.M.K. Sangh C/o Sri. Ch. Suryanarayana, Ort-No. A/D-52, Ramakrishnapur, Adilabad District to file claims Statement on or before 5-7-1989, while serving a copy of it on the Management. On 5-7-1989, the management was represented and the postal acknowledgement from the Workmen was not received, and the dispute was adjourned to 19-7-1989. By 19-7-1989 the postal acknowledgement was received from the workmen, who were set ex-parte, and the dispute was adjourned to 16-8-1989 for counter of the Management. On 16-8-1989, M. P. No. 97/1989 was filed by the workmen to set aside the ex-parte Order dated 19-7-1989 and was allowed and the dispute was adjourned to 13-9-1989 for filing of the Claims Statement. Sri. R. N. Reddy, Advocate, filed Vakalat for the workman on 16-8-1989 and Sri. K. Srinivasa Murthy and other Advocates filed Vakalat for the Management on 24-8-1989. Time was granted to the workman till 18-10-1989 for filing their claims statement. On 18-10-1989, Sri. R. N. Reddy, Advocate for the workmen, personally reported no instructions. So the workmen were called absent an dset ex-parte again. The dispute was adjourned to 15-11-1989 for counter of the Management. From 15-11-1989, the dispute was adjourned to 29-11-1989, 20-12-1989, 10-1-1990, 24-1-1990, 14-2-1990, 6-3-1989, 6-4-1990, 2-5-1990, and 23-5-1990. On 23-5-1990, the management alone was present but no counter was filed by it and the dispute was reserved for Award.

I have carefully perused the docket sheet of this Industrial dispute. It is espoused by the Union of the workmen. The workmen engaged an Advocate on their behalf. He reported no instructions for the workmen. Similarly the management was also represented by Advocates. The Management did not file any counter. In the absence of claims statement, counter and other material papers connected with this dispute, the reference has to be considered on the material available in this Tribunal. There are only the reference Order of the Government of India and notice issued by this Tribunal. Under the circumstances of the case as detailed above, I am of the firm opinion that neither the workmen nor the management is interested in prosecuting this dispute before this Tribunal. Hence the reference is terminated as not prosecuted and pressed.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of May 1990.

INDUSTRIAL TRIBUNAL

Appendix of Evidence
NIL

INDUSTRIAL TRIBUNAL

[No. IL-22012(199)/88-D.IV(B)]

नई दिल्ली, 11 जून, 1990

का. प्रा. 1776.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार अम संत्रालय में अवर सचिव श्री इन्दर मिश्र को दिनांक 11 जून, 1990 से 22 जून, 1990 तक उत्प्रवासी मंत्री दिल्ली के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[सं. ए - 22012 (1) 90 - उत्प्र.]

आर. के. गुप्ता, अवर सचिव

New Delhi, the 11th June, 1990

S.O. 1776.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Indar Singh, Under Secretary, Ministry of Labour, New Delhi to perform all functions of Protector of Emigrants Delhi in the office of Protector of Emigrants, Delhi from 11-6-90 to 22-6-90.

[No. A-22012/1/90-Emig.]
R. K. GUPTA, Under Secy.

नई दिल्ली, 8 जून, 1990

का. प्रा. 1777.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार सिंगरेनी कोल्फीरी की लि. मन्दासारी गेडिनामारी जिला के प्रबंधन में संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण हैदराबाद के वंचपट को प्रकाशित करती है।
केन्द्रीय सरकार को 4 जून, 1990 प्राप्त हुआ था।

New Delhi, the 8th June, 1990

S.O. 1777.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd. Mandamari, Adilabad Distt. and their workmen, which was received by the Central Government on 4-6-90.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD
PRESENT :

Sri. K. Taranadh, B. Com., B.L., Industrial Tribunal.
Industrial Dispute No. 66 of 1989

BETWEEN :

The Workmen of Singareni Collieries Company Limited,
Mandamari, Adilabad District. (A.P.).

AND

The Management of M/s. Singareni Collieries Company
Limited, Mandamari, Adilabad District. (A.P.).

APPEARANCES :

None—for the Workman.

Sri. K. Srinivasa Murthy, Miss G. Sudha and Usha Rani
and Paveena Chowdary, Advocates—for the Management.

AWARD

Government of India, in the Ministry of Labour, New
Delhi, by its Order No. L-22012(96)/89-IR. (C.II) dated

4th September, 1989 referred to this Industrial Tribunal, Hyderabad, an industrial dispute between the Management of M/s. Singareni Collieries Company Limited, Mandamari and their workmen in respect of the matters specified in the Schedule to the reference under clause (d) of sub-Section (1) and sub-section 2A of the Industrial Disputes, 1947 (Act XIV of 1947) for adjudication with a direction to submit the award within a period of 3 months.

THE SCHEDULE

"Whether the action of the Management of M/s. S. C. Co. Ltd., Ramakrishnapur in dismissing Sri. D. Rajalingu, Coalfiller, SMG-I Incline is justified? If not, to what relief the workman concerned is entitled?"

The reference was registered as Industrial Dispute No. 66 of 1989 in this Tribunal. Notices were issued to the General Secretary, S.M.&E. Workers Union (HMS.) P. O. Ramakrishnapur, District Adilabad (A.P.) with a direction to file Claims Statement on or before 20-10-1989, while serving a copy of it on the Management. On 20-10-1989, the management was represented. Workmen called absent. Claims statement was not filed. The dispute was adjourned to 18-11-89 for claims statement. On 18-11-1989, Sri. K. Srinivasa Murthy and others filed Vakalat on behalf of the Management in the Office on 6-11-1989. On 18-11-1989 workman called absent and no claims statement filed and the dispute was adjourned to 16-12-1989, 8-1-1990, 6-2-1990 and 20-2-1990. On 20-2-1990, there was no representation for the Workman and no claims statement filed and the dispute was adjourned to 20-3-1990 for filing counter of the management finally. On 20-3-1990, the management did not file any counter and the dispute was adjourned to 3-5-1990 and 26-5-1990. On 26-5-1990 the management filed its counter. Workmen were once again called absent, and the dispute was reserved for Award.

In this industrial dispute the workmen did not file any claims statement but the management filed its Counter. The Management did not adduce any oral or documentary evidence.

I have perused the counter filed by the Management. The Management in its counter alleged that from 20th October, 1989 onwards this matter was coming up for filing claims statement by the petitioner. This Tribunal adjourned the dispute on various dates. The management submitted that it is practically difficult for them to file the counter as it is not aware what are the various contentions that are raised by the petitioner. The management submitted that Sri. D. Rajalingu was appointed as worker trainee on 13-4-79 and posted at Somagundam One Incline. After successful completion of the training for two months, if he is suitable, having upon the available vacancies, posting will be given. The workman during the training period itself put 5 musters and abandoned the training. The workman did not evince any interest even to undergo the stipulated training and the training period itself automatically came to an end so question of terminating Sri. D. Rajalingu does not arise. It submitted that trainee is not an employee or a workman. For trainees Industrial Disputes Act is not applicable. Worker trainees are taken by the management keeping in view the future planning production and future available vacancies. The management had raised various other contentions in its counter and submitted that when the trainee abandoned the training, management cannot take any step. It is reiterated that he is not covered under the Standing Orders to take any steps, so question of payment full back-wages or reinstatement does not arise. It contended that it is not a case of dismissal. As stated earlier it is a case of abandonment of training by a trainee during the training period. The very wording of the reference is bad in law. The petitioner/workman is not entitled to any relief as described in the reference. It alleged that the reference is a stale one and it is not maintainable under law and for trainee there cannot be a reference and ultimately proved for the dismissal of the reference on the ground of maintainability itself.

The Order of reference relates to the dismissal of the workman Sri. D. Rajalingu, Coal-filler. If the workman is dis-

missed wrongly by the Management, it is the bounden duty of the workmen to come before this Tribunal and file a detailed claims statement. The Workmen failed to file any claims statement and in its absence the management filed its counter denying the allegations made by the workmen if any, since the workman is not chosen to file any claims statement and not adduced any oral or documentary evidence, this Tribunal is bound to accept the contentions raised by the management in its counter. Had the workman contested the matter this Tribunal could have scrutinised the entire material placed before it and passed an order on merits. In the absence of the workman who had not chosen to appear nor prosecuted this dispute, this Tribunal is of the firm opinion that the workman Sri. D. Rajalingu, Coal-filler, SMG-I Incline is dismissed in a proper way and he is not entitled to any relief. Hence the reference is answered accordingly. An Award is accordingly passed. No cost.

Dictated to the Stenographer, transcribed by him corrected by me, given under my hand and the seal of this Tribunal, this the 26th May, 1990.

INDUSTRIAL TRIBUNAL
[No. L-22012(96)/89-IR(Coal-II)]

APPENDIX OF EVIDENCE NIL

का. आ. 1778—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार श्याम सुन्दर पुर काल्यारी आफ मै. ई. सी. एन. के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 जून, 1990 को प्राप्त हुआ था।

S.O. 1778.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shyam Sundarpur Colliery of ECL and their workmen, which was received by the Central Government on 4-6-90.

ANNEXURE BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL Reference No. 29/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Shyam-sundarpur Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.

For the Workmen—Sri Rajdeo Singh, General Secretary of Khan Mazdoor Sangh.

INDUSTRY : Coal. STATE : West Bengal.
Dated, the 28th May, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. I-22012(7)/89-IR(C-II) dated the 28th June, 1989.

SCHEDULE

"Whether the action of the Management of Shyamsundarpur Colliery of M/s. Eastern Coalfields Ltd., in 1583 GI/90—5

stopping service linked increment of S/Sri Ramdhani Tewari, Loading Clerk, Ramjee Yadav, Bill Clerk, J. C. Upadhyay, Asstt. Store Keeper and S. K. Upadhyay, Typist w.e.f. 1-1-83, is justified? If not, to what relief are the concerned workmen entitled?

2. During hearing of the case to day (28-5-90) a petition is filed by the union for permission to withdraw the dispute on some technical grounds. Principles of Civil Procedure Code are applicable in the proceedings of this Tribunal. Considering the defects pointed out by Sri Rajdeo Singh the representative of the union, I find that it is a fit case where the union may be permitted to withdraw the dispute with the liberty to raise the dispute afresh. The learned lawyer for the management has no objection in this regard.

3. So the union is permitted to withdraw the dispute with the liberty to raise the dispute afresh if otherwise not barred.

This is my award.

N. K. SAHA, Presiding Officer

[No. L-22012(7)/89-IR(Coal-II)]

का. आ. 1779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चिनाकुरी काल्यारी आफ ई. सी. एन. के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-90 को प्राप्त हुआ था।

S.O. 1779.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby published the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chinakuri Colliery of ECL and their workmen, which was received by the Central Government on 5-6-90

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 25/88

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Chinakuri Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workman—Shri Sakti Mukherjee, Advocate.

INDUSTRY : Coal. STATE : West Bengal.
Dated, the 29th May, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012(179)/87-D-IV(B) dated 16th February, 1988.

SCHEDULE

"Whether the action of the Management of Chinakuri Colliery of M/s. E. C. Ltd., P.O. Sunderchak, District Burdwan in dismissing Sri S. K. Mondal, Resident Audit Clerk from service with immediate effect under their letter No. 985 dated 23rd August, 1986, is justified? If not, to what relief the workman concerned is entitled?

2. The case of the management in brief is that Sri S. K. Mondal (the concerned workman in this case) was Resident Audit Clerk of Chinakuri Colliery under Eastern Coalfields Ltd., from before 1980.

3. Sri Debabrata Mitra, PW-7 of this proceedings has been working as Accounts Officer since 1983 and before that he was Accountant and Asstt. Accounts Officer of Chinakuri Group of Collieries. In 1985 in course of his checking of books and records of Chinakuri No. 3 Pit Colliery he detected that Sri S. K. Mondal, Resident Audit Clerk in collusion with Sri B. N. Ghosh, Sri M. S. Chakravorty and others booked false attendance, leave, O.T. etc. in the combined attendance sheets and other documents for the period from November, 1980 to July, 1985 against the name of one S. Ghosh who was neither an employee nor there was any record of his attendance in Form C & E Registers of the colliery during the said period. Sri S. K. Mondal submitted the combined attendance sheets to data processing centre for preparing wage bills. As a result of fictitious bills a sum of Rs. 81341.58 was billed against the name of said S. Ghosh as wages, C. M. Bonus etc.

4. Then a chargesheet was prepared by the management and the same was served upon Sri S. K. Mondal. The chargesheet reads as follows:

CHARGE SHEET

To : Sri Sanat Kumar Mondal.

Designation : Resident Audit Clerk.

The charge given below has been made against you. You are required to give your written and signed explanation in the space provided below within 48 hours of receipt of this Charge Sheet, failing which action will be taken against you on the charge made. In the event of your explanation proving unsatisfactory the Management will be at liberty to take such action as it thinks suitable.

CHARGE EXPLANATION

You have been working as Resident Audit Clerk at Chinakuri 3 pit Colliery and as an Audit staff your duties and responsibilities are as per Annexure A & B.

But it has been detected during the course of checking of books and records of Chinakuri 3 pit colliery that you in collusion with Sri B. N. Ghosh, Madhu Sudan Chakravorty and some other clerical staff of the colliery booked false attendances, leave, sick etc. into the combined attendance sheets and other documents during the period from November, 1980 to July 1985 against the name of one S. Ghosh who was neither an employee nor there was any record of his attendances in Form C of E Registers of the colliery during the said period and submitted these sheets to Data Processing Centre for preparing wage bills, as a result fictitious bills amounting to Rs. 81341.58 were billed against the name of said S. Ghosh as wages, C. M. Bonus, Bonus (Annual Ex-gratia), Arrear wages of NCWA-III, Arrears of D.A. etc. details of which is enclosed as Annexure 'C'. The aforesaid amount was drawn fraudulently by you by putting fake signature of S. Ghosh on pay bills in connivance with the paying clerks.

That you in collusion with the clerical staff named above and others prepared fake bills on account of transport subsidy, Addl. Transport subsidy, Special incentive & House Rent against the name of said S. Ghosh amounting to Rs. 2749.60 details of which is enclosed as Annexure 'D'. On close investigation it appeared that you drew some bills yourself by signing as S. Ghosh on the bills in connivance with the paying clerks.

That you booked night shift attendance of S. Ghosh yourself in the Register for payment of Addl. Transport Subsidy for 19 days in July & August, 1984, 10 days in September, 1984, 10 days in December, 1984 and 24 days in January, & February, 1985 though he did not work in any shift in these months.

That you submitted a statement of Sunday attendance in respect of 501 workers in which name of said S. Ghosh appeared in Serial No. 428 in page No. 15 against whom you

put in 2 days Sunday attendance for the period 1st March, 1984 to 31st May, 1984, 2 days for the period from 1st June, 1984 to 31st August, 1984, 16 days for the period from 1st September, 1984 to 30th November, 1984, 22 days for the period from 1st December, 1984 to 28th February, 1985 and 10 days for the month of March, 1985 to Data Processing Centre for preparation of the supplementary arrear D.A. bills though he did not put any attendance in these months and there was no record of such attendance in Form C & E Registers of the colliery.

That 7 days and 10 days leave with pay was booked against the name of S. Ghosh in the pay sheet in the month of December, 1983 and November, 1984 respectively though question of granting leave does not arise as he is not on company's roll.

That special incentive @ Rs. 12 per month has been paid to all workers irrespective of attendances put in by them as a result a large sum has been paid in excess to the workers during the period from 1st January, to 31st July, 1985.

That you prepared a list of workmen entitled for house rent as per NCWA-III in which you fraudulently booked the name of S. Ghosh, submitted the list under your signature and fraudulently got sanction for payment of house rent from the Competent Authority for a non-employee.

That you collected PR Attendance reporting sheets from the Data Processing Centre after preparation of wage bills regularly and kept these sheets along with other bills in your custody but on requisition by the management you did not produce these documents.

That fictitious unclaimed wage vouchers for a sum of Rs. 5858.11 as shown in Annexure 'E' were prepared and the money was withdrawn and misappropriated. You checked and verified these false bills and got these bills passed for payment fraudulently.

That it is also reported that S. Ghosh S/o. Jaladhar Ghosh, against whose name all these false bills were prepared and withdrawn is related to you and you were fully aware that he was not an employee and did not work in the colliery during the period from Nov. 1980 to July 1985.

That false bills amounting to Rs. 89500 (Approx) were prepared during the period from Nov. 1980 to July 1985. You put your signature as token of checking, verification and correctness of these fictitious bills. These false bills were prepared and amount withdrawn by putting fake signature on these bills at your instance as a result the Company suffered a loss of Rs. 89,500 (Approx.).

Your act amounts to misconduct u/s. 17(i)(a), (f) & (i) of the standing orders which reads as follows :—

Section 17(i)(a) : Theft, fraud or dishonesty in connection with employers business or property.

Section 17(i)(f) : Habitual neglect of work.

Section 17(i)(i) : Causing wilful damage to work in progress or to property of the employer.

Sd/-
Manager
25-9-85

Chinakuri Mine No. III

Encl : Annexure A, B, C, D & E

The following instructions are laid down for the Resident Audit Clerks :
Annex-A

1. Attendance

- To check whether forms 'C' & 'E' Attendance Registers are properly filled in and that all attendances are recorded in time.
- To make physical check of workers employed above ground with Attendance Register.
- To check attendance of workers employed below ground with Lamp Cabin records.

2. Piece-Rated Jobs

- To see that measurement slips of all piece-rated jobs including wagon loading are submitted to office

daily after authorisation from Managers.

- (b) To see that Overmen's Raising Reports are submitted to office regularly after completing all the columns therein.

3. Wages

- (a) To check payrolls for casual wagon loaders with Daily Performances Slips.
- (b) To check payrolls produced by Machine Account Section with Attendance Register figures.
- (c) To check that wages payments as recorded in the Cash Book are the same as per payrolls produced by Machine Accounts Section.
- (d) To check leave and Sick wages with Attendance Register/M.O's reports/leave Authorisation Slips.
- (e) To check that entries in form 'G' & 'H' Registers are maintained upto date.
- (f) To check that all unclaimed wages are deposited within 3 days from the date the payment starts. To Check such deposits with payrolls and unclaimed wages book. To check payments out of unclaimed wages A/c with relevant payment vouchers.

4. Provident Fund

- (a) To reconcile total amount of P.F. deduction as per payrolls and from Trainees' stipend with total amount deposited every month as per form 'P'.
- (b) To check P.F. contributions posted in P.F. cards from payrolls and trainees' stipend vouchers.
- (c) To check annual contribution statements from 'V' with P.F. contribution cards before submission to CMPF Office.
- (d) To reconcile monthly contributions deposited as per 'P' form with annual contribution statement in form 'V'.

5. Bonus—Coal Mines/Profit Sharing:

- (a) To check adjustment for Leave/Sick/Maternity/Disablement Days with relevant records.
- (b) To check statistics for C. M. Bonus with payment vouchers/Bonus cards.

6. Daily Report to GM.

- (a) To check labour attendances as stated in daily reports with attendance registers.
- (b) To check raisings figures as stated in such reports with Overman's Reports.

7. Train fares

- (a) To check payment vouchers with trainfare registers.
- (b) To verify trainfares paid with Bradshaw/Time Table.
- (c) To verify destinations on which trainfares have been paid with home addresses as recorded in form 'B' register.

8. Overtime

To check overtime amounts included in payrolls with overtime Authorisation slips.

9. Suspense Advance Payments

To report details of suspense Advance payments which are outstanding for more than 7 days.

10. Capital Works Control Statement/Revenue Estimate Control Statement Block Movement Statement.

- (a) To check expenditure shown in the Control Statements from ledger.
- (b) To report where expenditure exceeds sanction amount
- (c) To report where time limit for execution of a job expires.
- (d) To check entries in Block Movement Statement from ledger.
- (e) To check whether any new item capitalised as per Block Movement Statement has been authorised by S.A.

- (f) To check whether balances of capital accounts as per Trial Balance agree with Block Movement Statement/Capital Works Control Statement.

- (g) To check any write off/sale of capital items as shown in Block Movement Statement with supporting documents.

11. Cash Vouchers/Journal/Ledger/Accounts Schedule

- (a) To check all cash vouchers and journal entries with supporting.
- (b) To check entries in cash statement with cash vouchers
- (c) To check castings of cash statement.
- (d) To report where daily balances in cash statement are not struck
- (e) To report where daily cash recording register is not maintained.
- (f) To check postings in the ledger with cash statement and journal.
- (g) To check before submission to this office monthly trial balance and its supporting list with ledger balances.
- (h) To check before submission to this office half yearly/ yearly accounts schedules.

12. Monthly cost sheet

- (a) To check expenditure shown in cost sheet from ledger/liability book.
- (b) To check that correct liability has been recorded in liability book.

13. Stores

- (a) To make physical verification of stores as per programme given by HIA/A from time to time.
- (b) To see that physical verification of stores is carried out by Store Keeper/Stock Verifier as per programme given by DSPS.
- (c) To see that reconciliation between Inventory and Bin Cards balances is done by Store Keeper/Stock Verifier regularly.
- (d) To check entries in bin cards from supporting documents.

14. Lorry Weighbridge

To make check when lorries are weighed (both loaded and empty).

15. Vehicle Log Books

- (a) To check whether there was any unusual detention of vehicles.
- (b) To check whether all trips recorded in log sheets are authorised.

16. Material Control Card

- (a) To check whether control cards are maintained properly in cases of all repairing jobs.
- (b) To check whether consumption of materials as recorded in respective control cards are charged to the same job.
- (c) To report occurrences of wide variations between consumption of material and that estimated.

17. Time Sheets

- (a) To check whether job time sheets are filled in properly everyday.
- (b) To check whether all attendances book in Attendance Register has been accounted for through job time sheets.
- (c) To check Attendance Register with Punching Cards.
- (d) To check if any worker, who is on leave or is sick or has gone to Hospital on any particular day, has been booked in job time sheets.

18. Job Ledger

- (a) To check entries from time Sheets/material consumption statement.
- (b) To check the time booking at various shops against each job.

19. Medical

- (a) To check bed days charged to Collieries/Depts/Outside party with Indoor Patients' Tickets.
- (b) To check issues from Dispensary stock with supporting slip duly authorised by medical officer.

20. General

- (a) The Resident Audit Clerks will be responsible for doing such other checking or investigation as instructed by S. A. or H.I.A. either directly or through Internal Auditor.
- (b) Any other unusual matter or happening or any other activity which is not normal should be reported.
- (c) You have to be very vigilant and keep your eyes and ears open to ensure that all activities are carried out correctly and in accordance with instructions and policy of the Company.

Annexure 'B'

COAL MINES AUTHORITY LTD.

A Govt. of India Enterprise

SAM's Office

Chinakuri Group

Dishergarh P.O.

Burdwan Dist.

31-3-75

Ref. No. CG/Accts/2813

All Resident Audit Clerks

Chinakuri Group of Collieries

Dear Sirs,

Accounts

Please ensure that while scrutinising various bills, T.A./D.A. Leave Travel Concession, Medical, Gratuity and other miscellaneous bills including contractor's and supplier's bills, the same are audited keeping in view the instructions received from the management of C.M.A. Ltd. from time to time since takeover. In case, any bill is passed by the Accounts Officers based on your audit and which is subsequently found to be not in order, the responsibility shall exclusively rest with you. You are, therefore, requested to comply with the provisions of various rules and regulations for your own benefit. In this connection please note that you shall be guided by the instructions received by you from Group Accounts Officer from time to time.

Yours faithfully,

Sd/-

Sub-Area Manager

Copy to Group Accounts Officer, Chinakuri Group

Copy to Area Finance Manager, Borachak House

Sd/-

Sub-Area Manager

In Annexures C & D the details of amounts have been stated.

5. In reply to the above chargesheet dated 25-9-85 Sri S. K. Mondal the concerned workman submitted written reply as explanation on 28-9-85 which reads as follows :

To

The Manager,

Chinakuri No. 3 Pit Colliery.

Sir,

Ref. Charge-sheet No. 1134

dated 25-9-85

With ref. to the above charge-sheet I beg to submit the following explanation:—

1. That I am quite innocent of the alleged misconduct.
2. That I have not committed any misconduct nor contravened any of the provision of 17(1)(a)(f)(v) of the model standing for Coal Mines.

3. That I have been served with the charge-sheet in question motivatedly and illegally for victimising me when I am the Branch Secretary of Chinakuri Colliery No. 3 Pit unit of West Bengal Khan Mazdoor Sangh a rival trade union of the establishment.

4. That the allegations with regard to false billing and drawing monies in collusion with M. S. Chakravorty and B. N. Ghosh and other clerks.

thereby committing misconduct of the category of theft, fraud dishonesty, habitual neglect of work and causing damage to Company's property maliciously false and injuries vitally not only me but the affecting prejudicially the interest of Sri S. Ghosh intending to show with malafide motive as if Sri S. Ghosh is 'ghost' person, although it is false on the face of official records of the Company a single instances sufficient for the purpose vide Manager, V.T.C. Sodepur Ret. PRB/3/223 dated 29-7-80 addressed to you which must be in your correspondence file and it contained the name of Sri S. Ghosh along with two other trainees and after completing his training Sri Ghosh joined Chinakuri's Pit from 30-7-80.

5. That 'C' and 'E' register does not contained the names of all persons, specially those persons engaged in outside work. But at the end of the month as per some slips their attendances are marked with by 'time-keeper' or by L.C.A. in this regard I have no function.

6. House Rent entitlement list are prepared by Colliery W.O. Clerk which is endorsed and certified by W/O. As a Audit clerk my function as to whether it tallies in the Pay Sheet or not.

7. Transport Subsidy, Special Incentive and additional Subsidy as per N.C.W.A. III are prepared as per Wages Sheet by General Wages Clerk and not by me. After preparation I am to check them only.

8. As an audit clerk I am simply to put my signature after the Wage Sheets are prepared by I.B.M. section and I have neither got any participation or involvement as alleged in any way nor by any stretch of imagination.

9. That for entry of a name of a particular worker it requires compulsorily the preparation of appendice 'A' duly signed by W.O., Manager, Sr. P.O., Accounts Officer and Agent or Sub-Area Manager otherwise the I.B.M. will refuse to enlist his name in the Pay Sheet Roll. In this regard my involvement is nil. Aforesaid Officers have full knowledge and direct participation in the matter of misappropriation and the like.

10. Form 'G' is maintained by W.O. on the basis of monthly wages sheet and regularly it has been so prepared since 1980/July and it is so made by that section in order to make him qualified for annual leave as Coal Wages Board agreement.

11. L.T.C. and L.L.T.C are prepared on the basis of records containing names of each and every worker, names of their family members and that record is made by the Personnel Dept The audit clerk like me has got no hand over the same.

12. That payments from the Pay Counter is given by the Pay Clerk on the presentation of Identity card drawing in each month by concerned worker after putting his signature. Identity card contain the signature of W.O. and the register of such issue of individual identity card is also in his office.

13. Supplementary sheet, (Sunday work) of D.A. from 1983 April to 1985/31st March was omitted by I.B.M. section in respect 501 pc. rated worker of whom Sri S. Ghosh was one and such manshift calculation of each pc. rated worker including Sri S. Ghosh having been made from the Wages sheet not from the attendance sheet and in this regard I have got to direct or first hand participation and hence no liability.

14. Unclaimed vouchers are prepared by dealing Clerk and payments are made by Pay Clerk at Pay Counter duly certified by W.O. Audit Clerk's function is simply to see whether the total amount is correct so made has been incurred in the cash book or not.
15. Muster Roll of the wages sheet have been tallied with the man on Roll (which is prepared by W.O.) and No. of heads payment. In every month it is found that No. of heads payments less than then the man on roll even in categorywise. So question of any 'Ghost' worker's payment does not arise.
16. That as per Annexure 'A' about 61 items of work have got to be performed by one Audit Clerk for 1600 workers (about) and in addition to that as per Annexure 'B' contain more work are got to be performed and hence heaviest load of work is placed upon one shoulder. Besides this Head Clerk is sick for about one year, whose work I am to see as per direction of you, the Manager and on the retirement of 5/6 clerk no new incumbents have been provided for their job which are got to be done by Office clerks including myself and this work load is also put on me forcibly.
17. That I am not at all responsible for any false bills nor for the amount of Rs. 89,500 or for any alleged amount or amounts in any way nor the Company has suffered in any way any loss or loss to the tune of alleged amount of Rs. 89,500 on account of my fault negligence, fraud dishonesty or theft nor I have caused any wilful damage to work in progress or property of the employer Company.
18. That I am not in any way related with to Sri Subrata Ghosh and that is fictitious imputation.
19. In fine I submit most respectfully that my service record in untarnished one but attempts are made to victimise me for my trade union activities at the instance of rival trade unions and some official who are opposed to our union.

I respectfully submit this in view of the above circumstances you will be pleased to drop this disciplinary proceeding.

Thanking you,

Yours faithfully,
Sd/-
S. K. MONDAL, R.A.

Dated 28-9-85.
Chinakuri Colliery
No. 3 Pit.

6. The management was not satisfied with the explanation submitted by Sri Mondal. So Sri Sisir Kumar Chakravorty was appointed as Enquiry Officer to hold a domestic enquiry for the said charges levelled against Sri S. K. Mondal. After serving due notice upon Sri S. K. Mondal Sri Chakravorty held the enquiry giving all opportunities both to the management and the workman. Sri S. K. Mondal, the concerned workman participated in the enquiry. He did not take help of any co-workers. He personally conducted his case. The management's witnesses were examined in presence of the concerned workman and the witnesses were cross-examined by the workman. The workman got himself examined as a witness in support of his case and he also examined two other witnesses including one Subrata Ghosh in support his defence. After considering the evidence adduced by the parties and the documents filed by the parties, the Enquiry Officer found the workman guilty of the charges levelled against him and he submitted his report to the authority. In due course Sri S. K. Mondal was dismissed from service w.e.f. 23-8-86.

7. After such dismissal a dispute was raised on behalf of the dismissed workman and the attempt of conciliation failed. The matter was sent to the Ministry of Labour, Govt. of India and the Ministry of Labour has referred the dispute to this Tribunal for adjudication on the point as described in the schedule of Reference.

8. In a case like the present one, firstly we are to see whether the domestic enquiry was held fairly and properly, if not this Court is to hold a fresh enquiry. Secondly if it is found that the domestic enquiry was fairly and properly

held then after re-appraisal of the evidence already adduced by the parties, this Tribunal shall come to a finding whether the evidence adduced by the parties are sufficient to come to such a finding. If this Tribunal finds that the evidence is not sufficient to hold the workman guilty, then this Tribunal shall set aside the findings of the domestic enquiry and shall pass appropriate order within the ambit of Section 11-A of the Industrial Disputes Act, 1947. Lastly if the Tribunal finds that the finding of the domestic enquiry is correct, then it shall look into the question of quantum of punishment.

9. As regards the first point we find from the materials on record that the chargesheet was submitted against Sri S. K. Mondal on 25-7-85 (Ext. M-1). Sri Mondal submitted his reply against the chargesheet on 28-9-85 (Ext. M-2). Sri Sisir Kumar Chakravorty was duly appointed as Enquiry Officer by the General Manager by his order dated 15-10-85 (Ext. M-3). Notices of enquiry were duly served upon Sri S. K. Mondal (Exts. M-4 & M-5). Then the Enquiry Officer held the enquiry. The entire proceedings of the domestic enquiry has been marked as Ext. M-6. After completion of enquiry the Enquiry Officer submitted his report (Ext. M-7).

10. In the case reported in S.C.L.J. Vol. 2 page 1466 (Sur Enamel & Stamping Works Ltd. vs. the Workman) the tests have been laid down to come to a finding whether the domestic enquiry was fairly and properly held. In the instant case we find that the workman was given all possible opportunities to defend himself and to present his case. In the written statement the workman has not specifically stated that the domestic enquiry was not fairly and properly held. Sri S. K. Mukherjee, the learned Advocate for the workman with his usual fairness submitted before me that there was nothing to challenge in the procedure adopted by the Enquiry Officer in holding the domestic enquiry. The concerned workman has practically challenged the result of the domestic enquiry. This matter was heard as preliminary point and this Tribunal has held that the domestic enquiry was fairly and properly held and there was no violation of natural justice (vide order dated 13-3-90).

11. Now we have to consider the second point. Before entering into the merits of the case, we are to look to the jurisdiction of this Court as laid down in Section 11-A of the Industrial Disputes Act, 1947 which reads as follows:

"11-A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen—Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be shall rely only on the materials on record and shall not take any fresh evidence in relation in the matter."

There is no scope for taking any fresh evidence in this reference case and this Tribunal is to re-appraise the evidence already adduced by the parties in the domestic Tribunal.

12. During the domestic enquiry the page marking of the papers of the proceedings has been done from the reverse side. In this case the prosecution has examined in all 9 witnesses. One Sri P. N. Das, Dy. Finance Manager of Chinakuri Colliery has been examined as a formal witness but without mentioning any witness number (page 25 to 19). Sri R. K. Banerjee, PW-1 is the Asst. Manager and the Safety Officer of Chinakuri Colliery for last 13 years (page 33 to 26). One Sri N. N. Mondal has been examined as PW-2. He was Time Keeper of Chinakuri 3 Pit colliery from 1968 (page 48 to 34). Sri Mohan Lal Halwai has been examined as PW-3.

He has been working as Lamp Cabin Incharge for last 26 years (page 53 to 49). Sri Chandi Charan Dasgupta has been examined as PW-4. He has been working as Despatch Superintendent for last 6 to 7 years (page 59 to 54). Sri Ashoke Kr. Mukherjee PW-5 has been working as Clerk of Chinakuri Colliery since 1975 (page 66 to 60). Sri Ashoke Kumar Chatterjee PW-6 has been working in Chinakuri Pit No. 3 Colliery since 1972 as Clerk (page 74 to 67). Sri Debabrata Mitra PW-7 is the Accounts Officer (page 110 to 75). Sri I. D. Singh PW-8 was the Personnel Officer and Sr. Personnel Officer of Chinakuri Colliery at the relevant period (page 132 to 109).

13. In this case the concerned workman has examined himself as a witness (page 171 to 141). The workman has also examined one S. Ghosh alias Subrata Ghosh as DW-1 (page 140 to 134). Janki Gosai is DW-2. He has been working as Boiler Fireman in Chinakuri 3 Pit Colliery for last 15 to 16 years (page 143 to 141).

14. The Lawyer for the management has urged before me that in the domestic enquiry the same degree of proof is not required as in a criminal trial. He has urged before me that in a domestic enquiry the guilt need not be proved to the hilt. He has cited before me certain cases wherein (vide page 2 of the written argument) the following principle has been laid down :

"The Tribunal has to see that there is preponderance of evidence for justifying the guilt of the employee and it cannot insist upon conclusive proof. The degree of proof required for finding an employee guilty of misconduct is far less than that required for convicting a person in a criminal trial. In a Criminal trial the guilt has to be proved to the hilt which is not the case in a domestic enquiry."

By pointing out the above principle he has urged before me that this Court shall have to re-appraise the evidence keeping that principle in mind.

15. The gist of the allegation is that the name of one S. Ghosh was falsely shown in the payment side register of the colliery though there was no such employee. In the charge it has been clearly stated that Sri. S. K. Mondal in collusion with S/Sri B. N. Ghosh, M. S. Chakravorty and some other clerical staff of the colliery booked false attendance, leave, sick etc. into the combined attendance sheets and other documents from the period from November, 1980 to July '85 against the name of S. Ghosh. But no action was taken against Sri B. N. Ghosh, Sri M. S. Chakravorty and other clerical staff of the colliery in the present enquiry for the reasons best known to the authority. So we are unable to find out what part was actually played by those persons. There is direct charge against Sri S. K. Mondal that a sum of Rs. 81341.58 was billed against the name of S. Ghosh for different counts and Sri S. K. Mondal himself had drawn the amount. The relevant portion of the charge reads as follows :—

"The aforesaid amount was drawn fraudulently by you by putting fake signature of S. Ghosh on pay bills in connivance with the Pay Clerks".

The learned Lawyer for the management has urged before me that according to Rule 48 of the Mines Rules the name of every employee should be in Form 'B' register. The name of S. Ghosh is not in that register. Attendance of workers underground is maintained in Form 'C' register. But the name of S. Ghosh is not there. Attendance of workers who work in the open cast mine is maintained in Form 'D' register. The name of S. Ghosh is not there. Attendance of workers working above-ground is maintained in Form 'E' register. The name of S. Ghosh is not there.

After appointment every worker is sent for vocational training to the Vocational Training Centre. In case of vocational training a certificate is issued by the Training Officer of the Vocational Training Institute either in Form 'A' or 'B' prescribed under Rule 28(1) of the Mines Vocational Training Rules. The certificate bears a photograph of the trainee. Without such certificate no one is allowed to work in the mine. It must be in possession of the worker. But in the instant case no such certificate was

produced by Subrata Ghosh who was examined as DW-1. The Lawyer for the management has urged before me that the statement made by Sri. S. K. Mondal and Subrata Ghosh as DW-1 are enough to prove the charges levelled against Sri S. K. Mondal read with the statement made by the prosecution witnesses. The material prosecution witnesses have stated that they had never seen S. Ghosh alias Subrata Ghosh working in the colliery either in the surface or in the underground.

16. Admittedly the structure of the Accounts Section of Chinakuri 3 Pit Colliery is headed by Dy. Finance Manager (a Chartered Accountant). There is an Accounts Officer who is also a Chartered Accountant under the Finance Manager. DW-7 was the Accounts Officer. Sri S. K. Mondal the concerned workman was the Resident Audit Clerk under the Accounts Officer. There were about 9 to 10 Accounts Clerks in the Accounts Department who worked under Sri S. K. Mondal. Those clerks used to prepare different types of bills—wage Bills, L.T.C., H.R.A., Bonus, Leave salary etc.

17. According to the system every bill or voucher is to be signed by Bill Clerk. Then it is sent to the Officer concerned of the department for his signature. Then it goes to Manager's table for his signature. Thereafter it is to be checked by the Resident Audit Clerk and then by the Accounts Officer and then by the Finance Manager. Ultimately the bill goes to the Agent for his counter signature. After sanction by the Agent the bill comes to Cash Department. Money rests with the Cashier who makes payment through the Pay Clerks or deputed clerks.

18. Payment is made to each worker on production of pay book at the counter. Pay book is the document given by Office which contains signature of Personnel Officer or Manager. Without production of pay book no payment is made. Question of identification of the worker arises only in case of first payment. In that case the worker is to be identified either by Personnel Officer or Welfare Officer or Audit Clerk.

19. It has been urged before me that in fact the above procedure was not followed in case of S. Ghosh and Sri S. K. Mondal had drawn the amounts fraudulently by putting fake signature on the bills in connivance with the Pay Clerks. It is also admitted that in every year the accounts and stores were audited by a Special Audit Party. But nothing was detected by the said Audit Party.

20. In such context it is very difficult to swallow that the Audit Clerk for long five years had drawn the amounts of all the bills prepared in the name of Sri S. Ghosh alias Subrata Ghosh putting the signature of S. Ghosh.

In this connection it may be mentioned that the signature on the pay bills said to have been made by Sri S. K. Mondal were also not examined by any expert though Sri S. K. Mondal had denied all the charges. The Id. Lawyer for the management has cited before me the cases reported in 1957 S. C. 381 and 1959 Cr. L.J. 383. In his written argument he has urged before me :—

"It is not safe to treat expert evidence as to handwriting as sufficient basis for conviction. But such expert evidence may be relied upon along with other items of evidence as to the disputed documents. The value of expert evidence depends on cogency of the reasons behind it. In the Case of Sri Sanat Kumar Mondal, the workman concerned in the present case, it is sufficient if the Management shows that even by naked eye it could be seen and accepted that the signatures on wage bills are not of Sri. S. Ghosh/Subrata Ghosh. The signatures of Sri S. Ghosh/Subrata Ghosh appear at pages 134 to 140 of domestic enquiry proceedings (Ext. M-6). Sri Subrata Ghosh signed in CAPITAL LETTERS AS SUBRATA GHOSH at pages 140 134 while on other pages viz., 135, 136, 137, 138 and 139 he put signature in mixed-running letters. This in itself shows he is concealing his signatures. It can be most glaringly and conspicuously observed noticed that none of the documents relating to pay-

ments produced by the Management contain any signature resembling the above signatures put by Sri Subrata Ghosh. This means that Sri Subrata Ghosh did not receive any payments reflected in the documents filed by the Management. Further, each signature acknowledging payment in each document relating to payment is different. These facts are sufficient to establish the conclusion that none of these documents were signed by S. Ghosh and the payment was not received by him. When the position of signatures is as indicated above, no examination of the signatures by Hand-writing expert is necessary.

Considering the nature of the present case and the facts and circumstances, I am unable to look eye to eye with the Lawyer for the management. It is well settled that the Court is the expert of all experts, but in a case like the present one the assistance of the hand-writing expert is essential to come to a conclusion that Sri S. K. Mondal had drawn the amounts of all the bills prepared in the name of S. Ghosh for long five years putting signature as S. Ghosh which sounds absurd.

21. With such background we are to consider the case of Sri S. K. Mondal. According to the management S. Ghosh is a ghost person. In paragraph 4 of the reply Ext. M-2 Sri S. K. Mondal has specifically stated that S. Ghosh was not a ghost person. In support of his contention he has referred a letter of Manager, Vocational Training Centre, Sodepur Ref. PRB/3/223 dated 29-7-80 addressed to the Manager, Chinakuri Colliery. It has been specifically stated in this reply that this letter must be with the Manager of Chinakuri Colliery and it contained the name of S. Ghosh along with two other trainees. According to the concerned workman this S. Ghosh joined Chinakuri 3 Pit colliery from 30-7-80 after completing his training. This plea was taken by the concerned workman at the earliest stage. Sri I.D. Singh PW-8 was the Senior Personnel Officer of Chinakuri Colliery. He was cross-examine alleging that S. Ghosh along with Tamal Mondal and Subhas Prasad was sent to Vocational Training Centre on 15-7-80 after their appointment. The relevant portion of his cross-examination reads as follows :—

"Q. Did you send S/Shri Tamal Mondal, Subhas Prasad & Subrata Ghosh to V.T.C. on 15-7-1980 ?

Ans. No.

Q. Can you say who send these 3 persons ?

Ans. As I know only 2 persons Sri Tamal Mondal & Subhas Prasad were sent to V.T.C. after their appointment.

Q. Can you produce the letter sending them to V.T.C. ?

Ans. That may be in the V.T.C.

Q. Will you produce copy of the letter sent by Manager, V.T.C. Sodepur No. PRB/3/223 dated 29-7-80 to Manager Chinakuri 3 pit colliery ?

Ans I cannot.

Q. Do you know that on 30-7-80 in 1st shift all the 3 trained workers started their duties in underground ?

Ans. No."

In cross-examination Sri S. K. Mondal was asked about this letter. The relevant portion reads as follows :

Q. You have mentioned a letter No. RPB/3/223 dated 29-7-1980 in reply to your charge sheet alleged to be addressed to Manager, Chinakuri 3 pit colliery Manager Sodepur V.T.C. Can you produce that letter as no such letter is there in the file of this colliery.

Ans. I have produced a copy of the letter.

Q. Is the said letter signed by any one which you have produced ?

Ans. It is not signed by anybody as it is a true copy.

22. We find that an unsigned copy of that letter was produced by the workman before the Enquiry Officer. The learned Lawyer for the management has urged before me that in a domestic enquiry the enquiries are held not by Lawyers, so the rules of technical nature are not followed

there. In support of his contention he has cited before me the case reported in 1969 Vol. II—L.L.J.799. This principle cuts both ways. In the domestic Tribunal a worker is also not allowed to take the help of any Lawyer and the worker does not know the procedure of law. In the instant case the worker called for the original letter from the management but not from the Vocational Training Centre and he produced a copy of the same. The Management did not produce the original letter and denied the existence of such letter (page 15 item No. 8 of report).

23. During the hearing of this Reference Case the workman has filed one letter addressed to him by Manager of Vocational Training Centre dated 3-4-90. That letter reads as follows :—

"Eastern Coalfields Ltd.

(A Subsidiary of Coal India Ltd.)

Sodepur V. T. Centre,

P. O. Sundarchak,

Dist. Burdwan.

Dated 02-14-1990

Ref. No. SKM/3/125

To,

Sri S. K. Mondal,

The Secretary,

W.B.K.M.S. (UTUC).

Dear Sir,

Re : Copy of the letter No. RRB/3/223 dated 29-7-80.

With reference to your letter dated nil, I am enclosing herewith a copy of letter No. RRB/3/223 dated 29-7-80 issued by the Manager Sodepur V. T. Centre as asked for.

Yours faithfully

Sd/- Manager

3-4-90

Seal"

Encl : As above.

The enclosure of the above letter is the attested copy of letter No. PRB/3/223 dated 29-7-80 written by Sri R. R. Bhattacharjee the Manager of Vocational Training Centre addressing the Manager of Chinakuri 3 Pit. The said letter reads as follows :—

Eastern Coalfields Ltd.,

(A Subsidiary of Coal India Ltd.)

To : The Manager, Chinakuri 3 Pit. From : Manager, VTC Sodepur

Yourref : Ourref : RRB/3/223 : Dated 29-7-80

Re : Basic Training

The following workers whom you sent here for Basic Training for underground work have completed 13 days training as specified in Second and Third Schedules as per Rule 6(2)(a) of Mines Vocational Training Rules 1966. They are now being set to you for practical training on actual operations for a period of not less than 12 working days as per Rule 6(2)(b). This training should be given under the personal supervision of Trainers as required by Rule 22 of Mines Vocational Training Rules 1966.

Sl. No.	Name	Period of training
1.	Sri Tamal Chandra Mondal ...	From 15-7-80 to 29-7-80
2.	.. Subhas Prasad ...	-do -do-
3.	.. Subrata Ghose ...	-do -do-

Sd/- R.R. BHATTACHARYA
Manager

SBG :

Copy attested

Sd/- Illegible

Manager

3-4-90

Seal.

From the said attested copy we find that one Subrata Ghosh was sent by the Manager, Chinakuri Pit No. 3 Colliery to the Vocational Training Centre for training with two other persons named in the letter. S. Ghosh took the training there from 15-7-80 to 29-7-80. The learned Lawyer for the management has urged before me that this Tribunal should ignore that letter as it was not produced earlier. It is settled position of law that this Tribunal has no jurisdiction to take fresh evidence in the present Reference case and it is only to consider the evidence on record.

24. Considering the facts and circumstances of the instant case, I find that this letter was written by the Manager, Vocational Training Centre which was already on the record and the same was not taken into consideration. I find that there is no bar to read this letter as a piece of evidence in this proceeding as the copy of the letter was already produced in the domestic enquiry. It is admitted that a man is sent to Vocational Training Centre only after appointment and after such training a workman is permitted to work.

25. From the above letter it is proved that one man named Subrata Ghosh was sent for vocational training by the Manager, Chinakuri No. 3 Pit Colliery and he took training from 15-7-80 to 29-7-80. According to the defence Subrata Ghosh joined his duties in the first shift on 30-7-80. From the report of the Enquiry Officer we find that several documents were called for by the concerned workman during domestic enquiry but the management did not produce the same (page 14 & 15 of the report). We find from Item No. 8 that the letter to Vocational Training Centre was called for but the management's representative stated that there is no such letter in the colliery. We also find that the attendance register of July 1980 was also not produced by the management though called for (Item No. 10 in page 15 of the report). The non-production of the documents speaks a volume against the management and adverse presumption is to be drawn against the management for the same. It appears from Item No. 10 that the records were not produced on the plea that the same had no relevancy with the chargesheet. It appears that the Officers of the management were the authority to consider which documents were relevant and which were not.

26. Be that as it may, we find from the statement of PW-3 Mohan Lal (page 53) and PW-4 Chandi Charan Dasgupta (page 59) that Subrata Ghosh was known to them. Subrata Ghosh has been examined as DW-1 in this case. He has stated that he worked as a piece-rated mazdoor in Chinakuri No. 3 Pit Colliery from 15-7-80. He claims that his man number was 26748. It may be mentioned that every worker of the Colliery has such a number. According to him he was sent to Vocational Training Centre, Sodepur for taking necessary training and he took training there upto 29-7-80 along with Tamal Mondal and Subhas Prasad from 15-7-80. It is admitted by the prosecution that Tamal Mondal and Subhas Prasad were sent to Vocational Training Centre for training from 15-7-80 to 29-7-80, but the management did not produce the letter to show that the name of Subrata Ghosh was not there. Subrata Ghosh claims that he worked underground for 3 to 4 months. Then he worked at depot. According to him he worked in the said colliery from 30-7-80 to 31-7-85. He went on leave for 3 months with effect from 1-8-85 and thereafter he was not allowed to join his duty.

27. Subrata Ghosh has claimed that he maintained the records of Truck Weighment for 5 to 6 months. The learned Enquiry Officer in page 19 of his report has observed—

"As he prepared the Form E register Loading Clerk did not sign on this register."

The learned Lawyer for the management has urged before me that as Subrata Ghosh was a man of S. K. Mondal it may be that some registers said to be maintained by Subrata Ghosh were prepared and the same were kept in the Office. So the fact remains that atleast some registers were written by Subrata Ghosh and they are in the office.

28. Subrata Ghosh has stated—

"I have drawn all sorts of payments by producing my pay book at Pay Counter and collected the amounts from Pay Counter whenever any payment was made."

29. From the materials on record we find that it was not the duty of Audit Clerk to book attendance and to prepare bills and vouchers. It was not his duty to make payment though the charges are so.

30. According to the prosecution the misconducts of Sri S. K. Mondal constituted offence of—

- (a) theft, fraud or dishonesty in connection with employer's business or property,
- (b) habitual neglect of work,
- (c) wilful damages to work in progress or to property of the employer.

After re-appraisal of the evidence and materials on record, I find that Subrata Ghosh got some sort of appointment which may be irregular and he was sent for vocational training. Subrata Ghosh himself has claimed that he himself had drawn the amounts of all the bills personally though there are some inconsistency in his statement as he had admitted that during the relevant period he was Student in Calcutta.

In view of the letter written by the Manager of Vocational Training Centre produced by Sri S. K. Mondal and the statement made by Subrata Ghosh that he had drawn the payments from the Pay Counter, it cannot be said that Sri S. K. Mondal had committed theft, fraud or dishonesty in connection with employer's business or property and it also cannot be said that he made wilful damage to work in progress or to property of the employer.

31. Next comes the question of habitual neglect of work. From the structure of the Accounts Department and the system of work I find that it was the joint liability of the Officers and clerks to see that the work is done properly. In the instant case we find that a single man has been picked up by the management as a scape goat without proceeding against others though the names of some persons are in the chargesheet for the reasons best known to the prosecution. Sri S. K. Mondal has urged that due to his Trade Union activity he has been made a scape goat to victimise. The learned Lawyer for the management has urged before me that strong and convincing evidence is required to bring home the story of victimisation. In the instant case Sri S. K. Mondal has failed to establish by any cogent evidence to show that the officers of the relevant time had any grudge against him to rope him up in a case like the present one. The learned Lawyer for the management has urged before me that this S. K. Mondal was a terror to the management as a Trade Union Leader. This statement cuts both ways. From the evidence on record and the facts and circumstances I find that the management has made an attempt to show that this S. K. Mondal was responsible for every fault as if it was one man show which sounds absurd.

32. Now let us see what is habitual negligence? Habitual negligence or neglect would prima facie mean that the workman is by habit negligent in the discharge of his duties and, therefore, when habitual negligence is sought to be proved it is not the stray acts of negligence which are to be proved but the habit or confirmed tendency on the part of an employee to be negligent.

33. In the instant case we find that Sri S. K. Mondal failed to check the attendance registers and other connected registers relating to the attendance of S. Ghosh. We have already found that S. Ghosh had some sort of appointment and he himself had drawn the payments. There is no allegation that he has failed to check up the registers in general. When an employee is sought to be charged for habitual negligence then some expression should be used in the chargesheet to show that the negligence is of habitual character. But in the instant case we do not find any such specific expression. So I must say that the charge of habitual negligence is vague. But considering the entire background and the facts and circumstances of the present case, I find that Sri S. K. Mondal was negligent in performing his duty. But it is not the case of habitual negligence.

34. To some up I find that S. Ghosh got some sort of appointment as it is clear from the letter of the Vocational Training Centre and he himself had drawn the payments. So the charges on first two counts have failed. But as regards

the third count of charge that is habitual negligence I find that it is not a case of habitual negligence but it is case of negligence.

35. Now we come to the question of punishment. Sri S. K. Mondal has urged in his written reply that he was a hard pressed employee with heavy load of work. Considering the nature of duties described in the chargesheet it cannot be disputed that he was really a hard pressed employee with heavy load of work. Further he has urged that he has untarnished service career. That point has not been challenged by the management. So we find that Sri S. K. Mondal has a clean record of service and it is the first offence and it is the first time we find him negligent in work. We find that only the charge of negligence has been proved and not of habitual negligence, so it must be said that the order of dismissal passed in this case is disproportionate with the offence committed by the concerned workman. In this connection it will not be out of place to mention that in the present era dismissal from service is worse than capital punishment. Hon'ble Supreme Court has held that in rare of the rarest cases capital punishment should be imposed. Taking the said principle as guideline I must say that the offence or misconduct in the instant case does not warrant dismissal from service as punishment. Sri S. K. Mondal the concerned workman has been out of employment since 23-8-86. In a case like the present one if his entire back wages are forfeited then it will be sufficient punishment for the offence committed by him. I find that he shall be reinstated in service with immediate effect but shall never be posted in the Accounts Section or Cash Section. The entire back wages upto 31-5-1990 may be levied against him as fine and the same may be forfeited and considering the nature of offence his passage of promotion may be blocked for ever and I think this punishment would meet the ends of justice.

Hence Ordered

36. That the action of the management in dismissing Sri S. K. Mondal, Resident Audit Clerk from 23-8-86 is not justified :—

- (a) Sri S. K. Mondal shall be reinstated in service with immediate effect, but he shall never be posted in the Accounts Section or Cash Section.
- (b) The entire back wages of Sri S. K. Mondal upto 31-5-90 are levied against him as fine and the same is forfeited. He shall not get any back wages upto 31-5-90.
- (c) Sri S. K. Mondal shall never be given any promotion to any post of higher responsibility.
- (d) Sri S. K. Mondal will get usual wages from 1-6-90 irrespective of the date of his actual reinstatement in service.

37. Before I part with the record I must say that for some obvious reasons the management did not make any attempt to bust the racket of irregular appointment and proceeded against one man as if it was a one man show though the facts speak otherwise.

This is my Award.

N. K. SAHA, Presiding Officer
[No. L-24012(179)/87-D.II(B)]

का. सा. 1780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केंद्रीय सरकार विधायी कानूनी आक में ई. सी. एम. के प्रबंधन से संबंधित विवादों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण याचन माल के पंचपट की प्रकाशित करती है, जो केंद्रीय सरकार को 5 जून, 1990 प्राप्त हुआ था।

S.O. 1780.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby published the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Methani Colliery of ECL and their workmen, which was received by the Central Government on 5-6-90.

1583 GI/90—6.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No. 28/1988

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Methani Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workman

APPEARANCES :

For the Employers—Sri B. N. Lala, Advocate.

For the Workman—Sri C. D. Dwevedi, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 24th April, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-24012(180)/87-D.IV(B) dated the 17th February, 1988.

SCHEDULE

“Whether the Management of Methani Colliery of M/s. Eastern Coalfields Ltd., P.O. Sitarampur, Dist. Burdwan was justified in dismissing Sri Manik Paswan, Casual Wagon Loader w.e.f. 29-4-85? If, not, to what relief the workman concerned was entitled?”

2. During the pendency of the case, today (24-4-90) Sri C. D. Dwevedi, learned Advocate for the union filed a petition, signed by the President of the concerned union, submitting therein that the concerned union is no longer interested to pursue the instant matter. In the petition the union has also prayed for a no dispute award in this case. Sri B. N. Lala, learned Advocate representing the management has no objection in this regard.

3. Upon consideration of the petition and the submission of the parties, this Tribunal has no other alternative but to pass a ‘no-dispute’ award and accordingly a ‘no dispute’ award is passed.

This is my award.

N. K. SAHA, Presiding Officer
[No. L-24012(180)/87-D.IV(B)]

का. सा. 1781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केंद्रीय सरकार विधायी कानूनी आक में ई. सी. एम. के प्रबंधन से संबंधित विवादों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण याचन माल के पंचपट की प्रकाशित करती है, जो केंद्रीय सरकार को 6 जून, 1990 प्राप्त हुआ था।

S.O. 1781.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Haripur Colliery of ECL and their workmen, which was received by the Central Government on 6-6-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL ASANSOL

Reference No 28/89

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Kumarkhala
Unit of Haripur Colliery of M/s. E.C. Ltd.

AND
Their Workman

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.

For the Workman—Sri C. D. Dwevedi, Advocate.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 31st May, 1990

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(235)/89-D.IV(B) dated 16-6-1989.

SCHEDULE

"Whether the action of the Management of Kumarkhala Unit of Haripur Colliery of M/s. E.C. Ltd., in not regularising Sri Tinakari Bhattacharjee as safety cum-Production Assistant is justified? If not, to what relief the workman concerned is entitled?"

2. During the pendency of the case, to-day (31-5-90) Sri C. D. Dwevedi, learned Advocate for the union filed a petition, signed by the President of the concerned union, submitting therein that the concerned union, is no longer interested to pursue the instant matter. In the petition the union has also prayed for a no dispute award in this case. Sri P. K. Das, learned Advocate representing the management has no objection in this regard.

3. Upon consideration of the petition and the submission of the parties, this Tribunal has no other alternative but to pass a 'no dispute' award and accordingly a 'no dispute' award is passed.

This is my award.

N. K. SAHA, Presiding Officer

[No. L-22012(235)/88-D.IV(B)]

RAJA LAL, Desk Officer

नई दिल्ली, 11 जून, 1990

का.धा. 1782/-यन: मैमर्स इन्स्टीट्यूट ऑफ इन्वेस्टमेंट कारपोरेशन आफ इंडिया लिमिटेड, 163 वैकवे रिकलेमेशन, बम्बई-400020 और इसके कलकत्ता, नई दिल्ली तथा मद्रास स्थित क्षेत्रीय कार्यालय (इनके आगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो इसके अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट (को धारा 17 की उपधारा (1) के खंड (क) के अंतर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1962 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबंधों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना में संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय समय दिए गए निर्देश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए मुविधार् प्रदान करेगा और ऐसे निरीक्षण प्रसार की अदायगी प्रत्येक माह की अवधि के 15 दिनों के अन्दर करेगा।

2. छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उसके अधीन सृजित उक्त स्कीम के अंतर्गत देय अंशदान के दर से स्थापना के भविष्य निधि नियमों के अंतर्गत देय अंशदान का दर किसी समय भी कम न होगा।

3. पेशगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 में कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभाव होने की संभावना है वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2(ब) में निश्चित किया गया है) जो नदम्य बचने के पास होने सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुल्य सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखों में सचियों को अंतरित कराने और उसके लेखों में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा प्रेषित केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर दिए गए निर्देशों के अनुसार भविष्य निधि के प्रबंध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निर्दिष्ट होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अग्रिमता में शोषी के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों की तुलना लेखा परीक्षा कराए और ऐसे पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखों अर्हता प्राप्त निष्पक्ष चार्टर्ड अकाउंटेंट द्वारा वार्षिक लेखा परीक्षा के अध्वधीन होंगे। जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त को किसी अन्य अर्हता प्राप्त लेखा परीक्षक द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकार होगा और इस पर दुष्प्रभाव नियोक्ता द्वारा वहन किया जायेगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छ माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिभार भविष्य निधि के देय अपने कर्मचारियों के अंशदानों के अधिपक्षी भाग की 15 तारीख तक स्वामी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अधिपक्षी करने के लिए समान परिस्थितियों में नियोक्ता सूचना देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट पापन स्थापना उत्तरदायी होती है।

13. जहाँ बोर्ड संशोधन द्वारा समय-समय दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियाँ स्वामी बोर्ड के नाम पर प्राप्त की जाएँगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनु-सूचित बैंक की अभिरक्षा में रखा जायेगा।

14. सरकार के निर्देशों के अनुसार निवेश न करने पर स्वामी बोर्ड प्रत्येक-प्रत्येक रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा जमाना या अधिक प्रसार का उत्तरदायी होगा।

15. स्वामी बोर्ड एक वस्तु ज्वीरा रजिस्टर तैयार करेगा और दयाज और विमोचन आय को समय पर वस्तुकी मुनिष्ठित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित दयाज को निम्नलिखित के लिए स्वामी बोर्ड निम्नलिखित तैयार करेगा।

17. वित्तीय लेखा वर्ष की समाप्ति के छ माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पास बक जारी करेगा। ये पास वक्त कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अद्यतन किया जाएगा।

19. लेखा वर्ष के पहले दिन श्राद्ध शेष पर प्रत्येक कर्मचारी के लेखे में ब्याज उस दर से जमा किया जाएगा जिसका स्वामी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि स्वामी बोर्ड केन्द्रीय सरकार द्वारा घोषित ब्याज की दर कम कारण से कि निवेश पर आय कम है या किसी अन्य कारण से घटा करने में असमर्थ है तो इस तारीख को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की जीरो के कारण बूट खमोड स्थान, यवन श्रवण: किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और स्वामी बोर्ड, केन्द्रीय भविष्य निधि आयुक्त को ऐसी विवरणियाँ प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की नीची पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को अन्त करने की व्यवस्था है तो स्वामी बोर्ड इस प्रकार अन्त की गई राशियों का अन्त से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त को पूर्व अनुमति से मुनिष्ठित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निम्नलिखित किसी बात के होते हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है यह पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर संग्रहण की दर श्राद्ध संचितिक योजना के अन्तर्गत की गई दरों की तुलना में कम अनुवृत्त है तो अन्तर का बहा निवृत्ता द्वारा किया जाएगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी खर्च जिनके लेखों के रजिस्ट्रार रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है वहन करेगा।

1583 GI/90-7

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है उसकी मुहरवालों की कर्म-चारियों के बहुमत की सभा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की चालू छूट पर और जहाँ लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना की जिनमें उसकी स्थापना आती है पर अंशदान की दर बढ़ाई जाती है नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले लाभों में स्थापना की स्कीम के अन्तर्गत किए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार में कम न हों।

29. उक्त तर्कों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[संख्या एस - 35015(12)/90 - म. मु. - 2]
ए. के. भट्टाचार्य, अवर सचिव

New Delhi, the 11th June, 1990

S.O. 1782.—Whereas Messrs Industrial Credit and Investment Corporation of India Limited, 163, Backbay Reclamation, Bombay-400020 including its regional offices at Calcutta, New Delhi and Madras (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) for sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme this is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically no amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his

approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees [as defined in section 2(f) of the said Act] who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Central of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script-wise register and ensure timely realisation of interest and redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue passbook to every employee. These pass

books shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited interest calculated on the opening balance as on the 1st day of the accounting year at such date may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employers' contribution in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the provident fund rules of the establishment, if on the cessation of any individual, from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc. under the provident fund rules of the establishment are less favourable as compared to those under the statutory scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of Accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for contained exemption of the establishment.

28. The employee shall enhance the rate of provident fund contribution appropriately if the rate of Provident Fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015(12)/90-SS-II]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 11 जून, 1990

का. प्र. 1783.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार, मैसूर ईस्टर्न कोल-फ़िल्ड्स लिमिटेड के प्रबन्धन से सम्बन्धित निरीक्षणों और उनके कार्यवाही के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिनियम (सं. 1), धनबाद के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-6-90 को प्राप्त हुआ था।

New Delhi, the 11th June, 1990

S.O. 1783.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal. (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Eastern Coalfields Ltd., and their

workmen, which was received by the Central Government on the 5-6-90.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the management of Eastern Coalfields Ltd.

AND
Their workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 23rd May, 1990

AWARD

By Order No. L-20012(139)/87-D.III(A)/D.IV(A), dated, the 14th July, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication by this Tribunal :

“Whether the action of the management of Regional Workshop, Mugma, in relation to M/s. Eastern Coal Fields Ltd. in dismissing from service Shri Mantoo Kumar Mondal, Welder, w.e.f. 1-7-1986 is justified? If not, to what relief is the workman entitled?”

2. The case of the employers in relation to the management of Regional Workshop, Mugma, of M/s. Eastern Coalfields Ltd. as disclosed in the written statement, details apart, is as follows :

The present reference is bad in law and not maintainable. The substantive case of the management of M/s. E.C.Ltd., is that it formulated a scheme for provision of employment to the land owners or their dependants in the event of their land being acquired for the purpose of mining operation and other purpose, besides paying the consideration for the land. This system was formulated because M/s. E.C.Ltd. required additional land for its collieries from time to time for mining operation or other work and there is resistance from the land owners to part with the land despite the fact that M/s. E.C. Ltd. is a public sector undertaking and required to produce coal to meet the requirements of the nation keeping in view the needs of the industries and economic growth of the country. The concerned workman Mantoo Kumar, was initially appointed as an apprentice/trainee under the aforesaid land-loser scheme of the management against a portion of land forming part of plot No. 671, Jamabandi No. 82, Mouza Mugma which was sold to M/s. E.C.Ltd by him for valuable consideration by registered deed. Such employments were offered by the management at the relevant time under certain terms and conditions and one of such condition is that if any dispute arose about the ownership of the land the employment of the land owner/nominee would be discontinued at any time. In the present case, the Dy. Commissioner, Dhanbad sent a letter No. 235/TC dated 21-1-85 to E.C. Ltd. Management stating that after enquiry it was found that the above plot formed part of Government land and its ownership vested in the Government of Bihar and no one could have sold it to E.C. Ltd. The whole arrangement was conceived and implemented by S/Shri Ram Ratan Tewary and Mantu Kumar Mondal keeping an eye on the land-loser scheme of M/s. E.C. Ltd. Anyway, after receipt of the letter of the Dy. Commissioner, Dhanbad, the concerned workman was issued with a chargesheet dated 24/25-2-86 and he was charged with cheating E.C. Ltd., and committing fraud and dishonesty in connection with com-

pany's business/property. After receipt of the explanation of the workman concerned and finding it unsatisfactory a domestic enquiry was held and Shri K. C. Sharma, Personnel Manager, Kapasera Area of E.C.L. was appointed Enquiry Officer. The Enquiry Officer held the domestic enquiry with due notice to the workman concerned in accordance with the principles of natural justice. On the basis of enquiry held by him, the Enquiry Officer submitted his report in which he gave the finding to the effect that the workman concerned was found guilty of the charge framed against him. Thereafter the matter was considered by the General Manager, Kapasera Area, he accepted the finding of the Enquiry Officer and came to the conclusion that it was a fit case for dismissal of the workman concerned from service. Accordingly, the concerned workman was dismissed from service by letter dated 30th June/1st July, 1986. In the circumstances, the management has submitted that its actions in dismissing the workman concerned from service be held to be justified.

3. The case of the sponsoring union, Bihar Colliery Kamgar Union, as disclosed in the written statement submitted by it on behalf of the concerned workman, briefly stated, is as follows :—

The concerned workman, Mantu Kumar Mondal was originally appointed by the management on 11-9-81 as an apprentice for one year under land-loser scheme. He was owner of the land being plot no. 671 which appertains to Khaita No. 49 and Mouza No. 69 after acquiring it from Ram Ratan Tiwary by purchase. About 39 persons also have been given employment as per land-loser scheme and those lands appertain to Mouza No. 69 and Khaita No. 49 and Ram Ratan Tiwary was the owner of such land. Before purchasing the land the management sought clarification from Circle Office about the title to and possession of the concerned workman in the land. The Circle Officer verified the authenticity of the ownership of the workman concerned on 27-5-81. He completed his period of apprenticeship successfully and was regularised as Workshop Welder at Mugma. He had been working as permanent workman against permanent vacancy since long to the entire satisfaction of the management and in the process he had put in 240 days attendance in each calendar year prior to the termination of his service with effect from 1-7-86. All on a sudden Deputy Chief Engineer issued a chargesheet dated 24/25-2-86 to him for the alleged offence that the land which he had sold to the company belonged to the State Government. It was alleged further that he had committed fraud and dishonesty in connection with company's business. He vehemently protested against illegal and arbitrary allegation as contained in the chargesheet by drawing attention of the management to the Registered Sale Deed and clearance certificate of the Circle Office. He also drew the attention of the management to the fact that other persons who were given employment on the basis of sale of land whose owner was Ram Ratan Tiwary. Despite the satisfactory reply the management dismissed him from service w.e.f. 1-7-86. It is alleged that chargesheet was illegal and arbitrary and was issued by a person who had no authority under the provision of the Standing Order to issue such chargesheet. The chargesheet also does not disclose the provision of the Standing Order which was allegedly violated by the workman concerned. The management held invalid and irregular departmental enquiry and did not afford any opportunity to the workman concerned to adduce his evidence and to cross-examine fully the witnesses for the management. It is alleged that the management has miserably failed to prove the charge against the workman concerned by adducing any legal evidence in the departmental enquiry. It is worthwhile to mention that the dependant of Ram Ratan Tiwary has secured employment on the basis of his being the owner of land appertaining to Mouza No. 69 and as is still working. Anyway, the union raised an industrial dispute with the A.L.C.(C), Dhanbad, assailing illegal and arbitrary dismissal order of the management. The Central Government, however, refused to make a reference for adjudication of the industrial dispute. The union there upon challenged before Hon'ble Patna High Court the decision of the Central Government and the Hon'ble Court, after appreciating the fact of the case, directed the Central Government to refer the dispute for adjudication. Accordingly the dispute has been referred by the appropriate Government for

adjudication. The union has submitted that the action of the management in dismissing the workman concerned from service be held to be unjustified and that he be reinstated in service with full back wages.

4. In rejoinder to the written statement of the sponsoring union, the employer has alleged that the concerned workman indulged in manipulations, fraud and dishonesty to secure employment under M/s. E.C. Ltd. under land loser scheme. In the present case the matter for consideration is plot No. 671 of Khatta No. 49 of Mouza 69 of Mouza and whether the concerned workman sold the plot to E.C. Ltd. by indulging in fraud and dishonesty. The essence of the matter is whether the concerned workman was the owner of the piece of land sold by him to the management. Actually the land belonged to the State Government of Bihar and the concerned workman has secured employment in E.C. Ltd. by resorting to manipulation, fraud and dishonesty. The management has asserted that the domestic enquiry was held in accordance with the principle of natural justice and submitted that its action in dismissing the concerned workman from service is justified.

5. In rejoinder to the written statement of the management, the sponsoring union has stated that the action of the management in dismissing the workman concerned from service is illegal and motivated since many other workmen have been provided employment on the basis of sale of parcel of land appertaining to the same plot. It is alleged that the concerned workman has been singled out by the management with an ulterior motive to victimise him for his trade union activities. The sponsoring union has denied emphatically that the concerned workman had indulged in manipulation, fraud or dishonesty with respect to the sale of parcel of land as alleged by the management.

6. At the instance of the management, the question of fairness and propriety of the domestic enquiry was considered as a preliminary issue. At the time of hearing Shri D. Mukherjee, authorised representative of the sponsoring union, submitted a petition conceding that the domestic enquiry be considered to have been held fairly and properly. Accordingly, it was held that the domestic enquiry was held fairly and properly and thereupon parties arrayed canvassed their respective cases before me on merits.

7. Shri R. S. Murthy, learned Advocate for the management, has relied on the proceeding of the domestic enquiry in support of the case of the management and produced some other items of documents for consideration. On the other hand, Shri D. Mukherjee has produced a Registered Sale Deed of Conveyance executed by Ram Ratan Tiwary on 22-5-81 in favour of the concerned workman.

8. Admittedly, the concerned workman, Mantu Kumar Mondal, was appointed by the management of Regional Workshop, Mugma of M/s. E.C. Ltd., as an Apprentice on 11-9-81 and later he was employed as Welder in Regional Workshop, Mugma of M/s. E.C. Ltd. It is an undeniable position that the management of M/s. E.C. Ltd. formulated a scheme for provision of employment to land owners or their dependants in the event of their land being acquired for the purpose of mining operation or other purpose besides paying the consideration for the land and that the concerned workman was initially appointed as an Apprentice under the aforesaid Land Loser Scheme of the management. It is also the irrefragable position that consequent upon a letter issued by the Deputy Commissioner, Dhanbad, dated 21-1-1985 to the management of M/s. E.C. Ltd. stating that the plot of land formed part of Government land, the management initiated departmental proceeding against the concerned workman for misconduct for commission of fraud and dishonesty in connection with company's business and since the land sold by the concerned workman appertaining to the plot of land which, according to Deputy Commissioner, Dhanbad, formed part of Government land, he was found guilty in departmental proceeding and accordingly he was dismissed from service with effect from 30-6-86. It remains to be seen whether the concerned workman has committed fraud or dishonesty with respect to company's business or property by the sale of land allegedly forming part of Government land.

9. It appears that one Ram Ratan Tiwary, by Registered Deed of Conveyance dated 22-5-81 sold away a parcel of land measuring one acre which appertains to plot 671, Khattan No. 49 and Mouza No. 69 (Mugma), P. S. Nirsu to the concerned workman. The concerned workman sold away this parcel of land to M/s. E.C. Ltd. by Registered Deed dated 20-6-81. It is contended by the management that the concerned workman has committed fraud and dishonesty with respect to company's business by selling a portion of plot of land which formed part of Government land. In support of this contention, the management has produced the letter of Deputy Commissioner, Dhanbad, dated 21-1-86. In the said letter the Deputy Commissioner has complained that Shri Naresh Singh and Jawahar Singh got employment by showing wrong land and that these persons purchased land from Ram Ratan Tiwary who grabbed it. Deputy Commissioner has asserted that the land is Government land and that action had been taken for cancellation of Jamabandi opened by the Circle. D. C. requested the management not to give employment to any person against Plot No. 671, Jamabandi No. 82. Thus, it appears from the letter of D. C. that the land purchased by Singhs was grabbed by Ram Ratan Tiwary and that those parcel of land sold by Singhs are land of the Government of Bihar and action was initiated for cancellation of Jamabandi. D. C. requested further not to give any new employment against Plot No. 671 and Jamabandi No. 82. The letter of the Deputy Commissioner does not indicate that the entire land of the plot measuring 12.30 acres formed part of Government land. The Singhs had purchased so it transpires from the materials on record, one acre each from Plot No. 671 and D. C. has alleged that this parcel of land formed part of Government land. The letter of the D. C. does not indicate that Ram Ratan Tiwary grabbed the parcel of land measuring one acre out of Plot No. 671 which sold to the concerned workman. Anyway, the letter of the D. C. cannot create any title to or extinguish any title to the property just as a record of right cannot create any title to property nor can it extinguish any title to property. In my view, the management was not justified in coming to the conclusion that the concerned workman committed fraud/dishonesty with respect to company's business simply on the basis of the letter of the D. C. even if, the letter of the D. C. is construed as a document claiming that the entire plot of land is the Government land. I have already pointed out that the letter of the D. C. Dhanbad is not specific on the point as to whether the entire plot of land is the Government land.

10. The report of the Enquiry Officer indicates that the management of M/s. E.C. Ltd. purchased the parcel of land from the concerned workman after being satisfied with his title to the property which was cleared by the Circle Officer, a Government Officer. That being so, the possibility of the concerned workman committing fraud/dishonesty with respect to company's property by disposing of a parcel of land belonging to him becomes almost impossible.

11. In any view of the matter, I consider that the management was not justified in dismissing the concerned workman from service without holding a proper enquiry in the matter. The management of M/s. Eastern Coalfields Ltd. may hold such enquiry once again as it deems fit and to take action thereon. But meanwhile the concerned workman is entitled to be reinstated in service.

12. Accordingly, the following award is rendered—the action of the management of Regional Workshop, Mugma, in relation to M/s. Eastern Coalfields Ltd. in dismissing from service Shri Mantu Kumar Mondal Welder, with effect from 1-7-1986 is not justified. The management is directed to reinstate the concerned workman in service within three months from the date of publication of the award and to give him back wages with effect from the date of the present reference i.e. 14-7-1988 and meanwhile to hold an enquiry to be conducted by the appropriate authority as to whether the parcel of land sold to it by the concerned workman forms part of Government land by reason of the vesting of the entire plot of land in the state of Bihar.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-20012(139)/87-D.IIA/D.IV(A)]

नई दिल्ली, 14 जून, 1990

relief is this workman entitled and from what date ?

को आ 1784-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अन्वयेण में, तत्कालीन सरकार, मैसर्स भारत कोकिंग कोल लि., को चूना कोकिंग के व्यवसाय में सम्बद्ध निरीक्षण और उनके कर्मचारियों के बीच झगड़ा में निहित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक आधिकारण (स. 1) धनबाद के पंचायत का प्रतीपाद करती है, जो केन्द्र सरकार को 5-6-90 को प्राप्त हुआ था

New Delhi, the 14th June, 1990

S.O. 1784.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bihar Coking Coal Ltd., Church Colliery, and their workmen, which was received by the Central Government on the 5-6-90.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 62 of 1984

PARTIES :

Employers in relation to the management of Church Colliery of M/s. B. C. C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri S. Bose, Secretary, Rastriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 22nd May, 1990.

AWARD

By Order No. L-20012(57)/84-D.III(A), dated the 22nd September, 1984, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that Shri Ali Mohamad, Fan Khalasi in the Church Colliery of Messrs Bharat Coking Coal Limited who was superannuated from service by the management with effect from 1-2-82, should be allowed to resume and continue in his duties is justified ? If so, to what

2. The case of the sponsoring union, Rashtriya Colliery Mazdoor Sangh, as appearing from the written statement submitted on behalf of the concerned workman, Ali Mohamad, details apart, is as follows :

Ali Mohamad was employed as a permanent workman in Church Colliery of M/s. B.C.C. Ltd. and his date of employment as recorded in the Identity Card of the erstwhile management was 1924 and on that basis he was to retire from service in December, 1984. The management of Church Colliery by its letter dated 20-1-82 informed him that he would complete 60 years of age on 31-12-81 and his service would stand terminated after one month from the date of the letter. He was thus made idle with effect from 1-2-82 and thus the action of the management is arbitrary, illegal and mala fide. The sponsoring union, Rashtriya Colliery Mazdoor Sangh, Dhanbad, made a protest in writing by letter dated 3-2-82 issued by its General Secretary to the Agent, Church Colliery against the action of the management, but without any effect. Letter was written to the General Manager, Begunia Area No. XII which was the controlling office of Church Colliery by the General Secretary of the sponsoring union but that too without any effect. A third letter dated 17-2-83 written to the Personnel Manager, Area No. XII of M/s. B. C. C. Ltd. by the Secretary of the sponsoring union met with the same fate. Thereafter industrial dispute was raised before the Asstt. Labour Commissioner (Central), Dhanbad, by the sponsoring union, by letter dated 23-3-83, whereupon the management intended to settle the issue by mutual discussions. But again the matter was kept pending by the management with the result that the sponsoring union was forced to make another representation dated 18-7-83 to the A.L.C. (C), Dhanbad, who held conciliation proceeding but that ended in a failure due to adamant attitude of the management. Since the concerned workman was due to retire from service with effect from December, 1984 his pre-mature retirement from 1-2-82 was illegal. In the circumstances the union has prayed that the concerned workman should be deemed to be in service till 31-1-84 and he is entitled to receive from the management wages and allowance and other benefits for the forced period of idleness from 1-2-82 to 31-1-84.

3. The case of the management of Church Colliery of M/s. B.C.C.L. as disclosed in its written statement, briefly stated, is as follows :

The present reference relating to the industrial dispute is bad in law and not maintainable. The concerned workman was employed in Church Colliery as Fan Khalasi and he was superannuated by the management with effect from 1-2-1982 after he had attained the age of 60 years which is the age fixed for superannuation of the workman of the management. He started his employment with the erstwhile management of Church colliery which was a coking coal mine and this mine was nationalised with effect from 1-5-72 under the Coking Coal Mines (Nationalisation) Act. The ownership of this colliery was transferred to M/s. B.C.C.L. by the Central Government under the said enactment. In the service card maintained by erstwhile employer of Church Colliery the

year of birth of the concerned workman was recorded as 1921. Even in the Form 'B' register of the colliery the year of his birth was recorded as 1921. The management of M/s. B.C.C. Ltd. issued identity card to its workmen after nationalisation of collieries and even in that register the year of his birth was recorded as 1921. He has affixed his thumb impression in all the aforesaid documents. Thus there is an admission on his part with respect to the year of his birth. It is alleged that the entire case of the workman is based on mis-representation and falsehood and is an product of an afterthought. Since he attained the age of superannuation after completion of 60 years of age in 1981, the management was entitled to superannuate him with effect from 1-2-82 and it did so accordingly. In fact, in the absence of actual month and date of birth in the year 1921 when he was born, he secured an additional benefit of staying in the service of the management for a few months more. It is well settled that the claim of the employees for changing their date of birth at the tail end of their service career is liable to be rejected. In the context of these facts and circumstances it has been submitted by the management that the demand of the sponsoring union be held to be unjustified.

4. In rejoinder to the written statement of the sponsoring union, the management has admitted that the concerned workman was a permanent employee when he was superannuated from the service of the management, but denied emphatically that the date of his employment as recorded in identity card issued by the erstwhile employer was 1924 and that on that basis he was retired from service in December, 1984. The management has denied that the concerned workman was made idle with effect from 1-2-1982 by its illegal, arbitrary and mala fide act. It has been emphatically denied that the concerned workman was pre-maturely retired from service by the management and asserted that the demand of the sponsoring union has got no merit and must be rejected.

5. The sponsoring union has examined the concerned workman and introduced in evidence one item of document which has been marked Ext.W-1. On the other hand, the management has examined three witnesses, namely, MW-1 Mongal Chakraborty, working as clerk in Sodpur Central Stores of M/s. E.C. Ltd., MW-2 S. K. Sanyal who worked in Victoria West Colliery owned by M/s. Bengal Coal Company and MW-3 Indranil Banerjee, who worked at Church Colliery as P.O.'s clerk from 26-3-74 to September, 1985 and laid in evidence a number of documents which have been marked Exts. M-1 to M-7.

6. The record bears out that the present industrial dispute was made by the appropriate Government on 22-9-84 and this was received in the office of the Tribunal on 27-9-84. It appears from the evidence that the concerned workman, Ali Mohammad, had left the mortal world on 2-6-89 on account of Pulmonary T.B. with emaciation from Malnutrition (Ext. M-7). It also transpires from the evidence that he survived by his widow, Hasina Bibi.

7. There is no dispute that Church colliery is a coking coal mine which was nationalised with effect from 1-5-82 in terms of Coking Coal Mines (Nationalisation) Act and that the ownership of this

colliery was transferred to M/s. B.C.C. Ltd. by the Central Government under the said enactment. It transpires from evidence that M/s. Bengal Coal Company was the owner of Church colliery prior to nationalisation. The sponsoring union has stated in its written statement that the concerned workman was permanent employee and that his date of employment as recorded in identity card of erstwhile management was 1924 and that on that basis he was to retire from service in 1984. The management has admitted that the concerned workman was a permanent employee, but denied that his date of employment was 1924. I have already stated that M/s. Bengal Coal Company was the erstwhile owner of Church Colliery prior to its nationalisation on 1-5-72. In support of its contention the sponsoring union has produced the identity card purported to have been issued by the erstwhile owner to the concerned workman. This identity card discloses that the year of birth of the concerned workman was 1924 and his date of appointment was 1-9-36 (Ext. W-1). Thus, it is seen that the year of employment of the concerned workman in M/s. Bengal Coal Company was not in 1924, but on 1-9-1936. Evidently the sponsoring union has committed a mistake in its written statement by stating that the year of employment of the concerned workman was 1924. In my view the sponsoring union intended to state that the year of birth of the concerned workman was 1924 and this is evidenced from the identity card purported to have been issued by the erstwhile owner M/s. Bengal Coal Company (Ext. W-1). But this identity card neither bears the signature of the concerned workman, who, as the evidence discloses, ~~can write English nor does it bear his photograph~~ or the signature of any officer of the Company. In my view, this identity card is incomplete and cannot be considered to be a reliable document for ascertaining the date of birth of the concerned workman. On the other hand, the management has produced the service card of the concerned workman bearing his photograph, thumb impression and the signature of the P.O. of the Church Colliery at the relevant time, Mr. M. Singh (Ext. M5-). It appears that the management of M/s. BCCL prepared Form 'B' register of the workmen of Church Colliery in 1972. The management has claimed that this register was prepared on the basis of the old register of the erstwhile owner. In the Form 'B' register prepared by the management of M/s. BCCL, the year of birth of the concerned workman has been recorded as 1921 and the date of commencement of his employment has been recorded as 1936 (Ext. M-6).

8. Shri B. Bose, authorised representative of the sponsoring union, has contended that this Form 'B' register is not worthy of credence since it was not prepared contemporaneously with the appointment of the concerned workman in the service of the colliery.

Shri R. S. Murthy, Advocate for the management, has contended that this Form 'B' register is reliable document in the context of fact that it is supported by service card of the concerned workman prepared by the erstwhile owner.

9. Indeed the Form 'B' register was not prepared contemporaneously with the appointment of the concerned workman in service of M/s. Bengal Coal

Company. Even then the date of birth of the concerned workman as recorded therein gets support from the service card of the concerned workman maintained by M/s. Bengal Coal Company. In the circumstances, I cannot rule out the evidentiary value of Form 'B' register produced by the management.

10. The case of the management is supported by approaching the matter from another angle. The concerned workman, in his testimony, has stated that he got married at the age of ten employed at the age of twelve. He has further stated that he has got three brothers, all of whom are alive and his next brother Alizan was working in Sodpur Works and he is now sitting idle. He has also stated that Alizan was working as Tyndal and that he was younger than him by 5/6 years. The management has produced the Form 'B' register of Alizan. This Form 'B' register gives the description of Alizan Mia as follows :

- (i) Father's name—Late Wahadali Mia
- (ii) Age—1927.
- (iii) Designation—Tyndal.
- (iv) Home address—Vill.—Gopalganj, P. O. Lachliganj, P.S. Lachiganj, Dist. Palamou.
- (v) Date of commencement of employment—1951.

The following particulars of the concerned workman appears from his service card :

- (i) Year of birth—1921.
- (ii) Father's name—Late Wahadali Mia.
- (iii) Village—Gopalganj, P. O. Lachliganj, (Palamou).

Thus, it is seen that Form 'B' register produced by the management in respect of Alizan Mia who was working in Sodpur Central Stores (Ext. M-3) contains particulars relating to father's name, village and Post Office and district which agree with that of the concerned workman as revealed in his service card and Form 'B' register. According to the concerned workman Alizan was younger than him for 5/6 years. The year of birth of Alizan Mia has been recorded as 1927 in Form B Register. That being so, the year of birth of the concerned, as per his own testimony, was 1921/22. That his year of birth was 1921 is evidenced from service card and Form 'B' register (Ext. M-5 and M-6 respectively). This is corroborated by the testimony of the concerned workman and the Form 'B' register of his younger brother Alizan (Ext. M-3).

11. Thus, preponderance of evidence establishes the fact that the concerned workman was born in 1921. But his actual date of birth is not available from evidence. There is no dispute that workmen of M/s. B.C.C. Ltd. reach the age of superannuation on completion of 60 years of age. This being the position, the concerned workman reached the age of superannuation sometime in 1981. The management has superannuated him from service with effect from 1-2-82. But the exact date of birth of the concerned workman is not available. Nevertheless, his year of birth has been established by evidence to be 1921. Model Standing Order on additional items applicable to all industries envisages where exact date of birth

is not available and the year of birth is only established then the 1st July, of the said year shall be taken as the date of birth. As per this Model Standing Order the date of birth of the concerned workman should be taken as 1-7-1921 because his exact date of birth is not available and his year of birth has been established by evidence. This being so, the concerned workman was to retire from service with effect from 1-7-1981. But the management has superannuated him from service with effect from 1-2-1982 and in doing so, the management, in my view, has not done anything wrong. Concerned for allowing the concerned workman to resume and continue in his duty work in the context of changed circumstances his remuneration for the period he allegedly remained idle is not justified.

12. Accordingly, the following award is rendered—the demand of Rashtriya Colliery Mazdoor Sangh that Ali Mohamad, Fan Khalasi, in Chanch Colliery of M/s. B.C.C. Ltd. who was superannuated from service by the management with effect from 1-2-1982 should be allowed to resume and continue his duty or he should be allowed to get his wages and other benefits for the period he remained idle by the act of the management is not justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-20012(57)/84-D. III(A)/IR (Coal I)]
K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 12 जून, 1990

का. आ. 1785—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री मुन्ना टांडी को अगले आदेशों तक मुख्य खान निरीक्षक के अश्विन खान निरीक्षक नियुक्त करती है।

[सं. ए.- 12025/1/88-खान I/प्रो. मु. एवं स्वा-I]
राम निलक पाण्डेय, उप सचिव

New Delhi, the 12 June, 1990

S.O. 1785.—In exercise of the power conferred by sub-section (1) of the Section 5 of the Mines Act, 1952 (35 of 1952) the Central Government hereby appoints Shri Munna Tandi as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12025/1/88-MI/ISH. I]
R. T. PANDEY, Dy. Secy.

नई दिल्ली, 14 जून, 1990

का. आ. 1786—केन्द्रीय सरकार में यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (6) के उपखंडों के अनुसूचन में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 3305 तारीख 14 दिसम्बर, 1989 सिक्यूरिटी पेपर मिल, होशंगाबाद को उक्त अधिनियम के प्रयोजनों के लिए 19 दिसम्बर, 1989 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों

Published by the Controller of Publications Delhi-110071 1990